

AUTOBIOGRAPHY
AND
REMINISCENCES
—
DYER



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**AUTOBIOGRAPHY
AND
REMINISCENCES**



STRAUSS

Faithfully Yours
David P. Dyer

AUTOBIOGRAPHY AND REMINISCENCES

BY
DAVID P. DYER



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DEDICATION

IN MEMORY OF MY WIFE, WHO FOR MORE THAN FIFTY-FIVE YEARS WAS MY LOVING AND FAITHFUL COMPANION, THESE REMINISCENCES ARE AFFECTIONATELY DEDICATED.

DAVID P. DYER

FOREWORD

At the age of eighty-four years, there is little left for one to do except to "take an account of stock,"—review the labor, incidents, failures, successes, joys and sorrows of a long life,—“balance the books” and then calmly count, as they pass, the few remaining days allowed him by a gracious Providence, observing the shadows as they lengthen and serenely speculate upon the beauties and glories of the future world as they may appear to him at the final sunset of life.

It has been suggested to me by friends that it might be of interest to others, especially to my children and their descendants, to have in writing some of the incidents, occurrences, struggles, successes, failures and disappointments that in a measure mark the pathway of my long life. In addition to all of these, the fact of employment as I wait for the summons that sooner or later must come, appeals very strongly to me, as does the further thought that I may be recording some things of interest as they relate to others whom it has been my pleasure to know. Most of the persons of whom I shall speak have long since passed to the great beyond. The object, therefore, of this effort on my part is to record a brief autobiography of myself for the benefit of my children and their descendants, and a succinct account of men that I have known and measures that have come to my attention, with such observations as may possibly be of in-

terest to those who honor me by reading these pages.

Much of what follows pertains to official positions held by me and the successes or failures that accompanied them. The cases mentioned are of a public character and reference thereto may serve some good purpose.

DAVID P. DYER

ST. LOUIS
FEBRUARY 12, 1922

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AUTOBIOGRAPHY
AND
REMINISCENCES

I

EARLIEST RECOLLECTIONS

Early Ancestry—Dyer Genealogy—George Dyer, Revolutionary Soldier—David Dalton Dyer and the War of 1812—Life in Virginia—By Wagon Trail to Missouri—Clearing the Wilderness—Family Bereavement.

The Dyer family is of English-Scotch origin and first emigrated to this country in the seventeenth century.

I have no authentic record of my particular branch of the family prior to that of James Dyer, my great-grandfather, who was born in 1720, neither have I any positive information regarding any of his children other than his son George who was my grandfather and who was born in Prince George County, Maryland, in 1753 and died in Henry County, Virginia, in 1827.

He was a soldier in the War of the Revolution, serving as a Lieutenant in the company of Captain Charles Williamson, Prince George County, Maryland, June 15th, 1778.—Authority: 18th Volume, Folio 328, Archives of Maryland, published by the Maryland Historical Society.

He married Rachael Dalton, by whom he had nine children—six boys and three girls—and the descen-

dants of these children are scattered over many States.

In the following data I give years of birth, marriage and death where these have been ascertained and have followed only the male line, not covering the collateral branches.

DESCENDANTS OF GEORGE AND RACHAEL DALTON DYER

- 1 — James — Married Sarah Reynolds. Their children — Coleman, Joseph, Fountain, James, Benjamin, Hugh, Elizabeth, Ann, Mary, Greif, George.
- 2 — Benjamin — 1778-1823. Married in 1801 to Mary Gravely. Their children — George, Eleanor, Joseph, Rachael, James, Jabez, Sacville, Benjamin.
- 3 — Frances — Married Edward DeLazier.
- 4 — Phoebe — 1782-1871. Married Arnold Thomasson.
- 5 — Joel — Married Mary Salmon. Their children — Nancy, Mary, Sallie, Martha, Susan, Joseph, George, Benjamin, Fanny, Rachael.
- 6 — David Dalton — 1791-1844. Married in 1810 to Nancy Reynolds Salmon. Their children — George W., Joseph F., Martha C., John S., Sarah A., James C., Nancy J., Elizabeth H., Mary B., Louisa B., Rachael M., David P.
- 7 — Martha — 1797-1876. Married in 1822 to Lewis Gravely.
- 8 — Joab — 1801-1875. Married Mary Salmon in

1824, and Nancy Harvy in 1836. Children by first wife — Margaret, Ann, Rebecca, Rachael.

Children by second wife — George V., and Elizabeth C.

9 — Jefferson — 1803-1848. Married first a Miss Salmon. Afterwards Elizabeth Custer in 1829.

First wife — one daughter — Mary.

Second wife — Matilda, George L., Malinda, Minnie, David L., Zanie, Virginia, Missouri.

DESCENDANTS OF DAVID DALTON AND NANCY REYNOLDS SALMON DYER

George W.—1811-1862. Married in 1833 to Mary Philpot. Their children — Martha, Nancy, David, Sinai, Mary, Virginia, Fredonia, Trusten, Minnie.

Joseph F.—1813-1861. Married in 1833 to Elizabeth Dyer. Their children — David, Mary, Sarah, Martha, Joseph, Harriet, Nancy, James.

Mary B.—1814-1889. Married in 1833 to Bailey Martin.

Martha C.—1817-1885. Married in 1835 to Nathaniel Spencer.

John S.—1819-1880. Married in 1839 to Martha Bassett. Their children — Mary, Nancy, David A., James, George, Cherokee, Choc-taw, Pocahontas, Luella, Cora, Ida, Eloise.

Sarah A.—1822-1898. Married in 1841 to Albert Mason.

James C.—1824-1897. Married in 1849 to Martha Camp. Their children—David A., George C., Joseph W., John H., Leonidas C., Mary, Nancy, Anne, Virginia, Emma.

Nancy J.—1827-1915. Married in 1845 to Douglas Wyatt.

Elizabeth H.—1829-1913. Married in 1850 to John E. Ball.

Louisa B.—1833-1903. Married in 1854 to W. L. Carter.

Married in 1882 to J. E. Carstarphen.

Rachael M.—1834-1920. Married in 1853 to Dr. J. M. Foreman.

David P.—1838. Married in 1860 to Lizzie C. Hunt. Their children—Ezra Hunt, Emma Grace, Lizzie Logan, David P., Horace Levi, Maria Louise.

The twelve children of my parents were born in Henry County, Virginia.

All of my children were born in Louisiana, Pike County, Missouri, with the exception of Louise, who was born in St. Louis, and at the present time all are living.

Ezra Hunt—Married Julia F. Gregg, daughter of of Mr. and Mrs. Wm. H. Gregg of St. Louis. After her death he married Lelia B. Larendon, daughter of Mr. and Mrs. M. Washington Larendon of New York City. Of the first marriage there was born one child—Orlan Elizabeth, who married Clarke S. Smith, now Colonel of Engineers, U. S. Army. They have three daughters, Orian Elizabeth, Julia Frances and Lucy Clarke.

Emma Grace—Married Edgar White Hunting of Grand Rapids, Michigan. They have three sons—David Dyer, Robert Cutler and Edgar Hunt. The second son, Robert, married Elinor Sawtelle of Memphis, Tenn., and they have one son, Robert Cutler, Jr.

Lizzie Logan—Has not married.

David Patterson, Jr.—Married Maud Ensign, daughter of Mr. and Mrs. Theodore Ensign, then living in New Orleans, Louisiana. They have one daughter, Louise Ensign, who married Dr. Henry Ford Haskins, now of Peoria, Ill.

Horace Levi—Married Elizabeth Edgar, daughter of Mr. and Mrs. Selwyn C. Edgar, of St. Louis. After her death he married Betsey E. Wilcox, daughter of Mr. and Mrs. Byron Wilcox of Palmyra, N. Y. By this second marriage are two sons—David Wilcox and John Cogswell.

Maria Louise—Married Amos F. Fay, Jr., of St. Louis. They have one daughter, Claudine.

So it will be seen that at the time of this writing I have six children, eight grandchildren and four great-grandchildren. None have died.

My grandfather on my mother's side (John Salmon), was of Irish descent, and also served in the Revolutionary War. My father, David Dalton Dyer, and my mother, Nancy Reynolds Salmon, were born in Henry County, Virginia, in the years 1791 and 1794, respectively. Each of them was of humble birth and their parents were poor so far as the world's

goods were concerned. They were married in 1810 — my father at that time being nineteen years of age and my mother sixteen. They could not boast (as most Virginians do) of kinship with either Washington, Jefferson, Marshall or Lee. Without distinguished ancestry and without property of very great value, they had to rely upon their native talents and strong arms for a living. They had an abiding faith in each other and were splendidly equipped with energy, industry, health, and courage for the hard battle that lay before them. They had at the beginning only that superficial knowledge of books that was vouchsafed to the poor. This limited learning was added to during the long winter evenings by diligent study and research in such additional books as could be found in the neighborhood and the light by which they read came mostly from “pine knots” burned in the fireplace of a log house in which they lived. They courageously and hopefully tilled the soil of Henry County for a living where they were renters and not the owners of the land.

This continued until the “call to arms” was sounded for the war of 1812. The husband promptly answered and enlisted in a Virginia regiment. The wife with one young child remained at home to carry on the fight for a living until the husband and father should return after the battles were won and peace declared. Victory and peace came, and the soldier returned; the thread was again taken up and the struggle as before continued. As they were reasonably successful in the acquisition of property, in a few years they were made comfortable and with increased learning and knowledge the husband became

an influential and much respected citizen in the community in which they lived. For twelve consecutive years he was a representative in the legislature (House and Senate) of Henry and adjacent counties. He was a member of the Senate at the date of my birth, February 12, 1838, and my middle name, Patterson, was after a senator by that name who was a colleague of my father.

I was the youngest of twelve children, and when I married, on the 15th of November, 1860, all twelve were living. Today I am the only survivor. There were five brothers and seven sisters, and of these, George, Joseph, Mary, Martha, and John were married before I, the twelfth, was born. I have nieces and nephews older than myself which does not occur very often in a family.

The five eldest children of David and Nancy Dyer left Virginia in 1840 and came to Missouri and settled in the counties of Warren and St. Charles. They were all farmers. In 1841 my father and mother, with the seven remaining children and a few slaves, left the old home in Henry County, Virginia, and after six weeks of hardship on the way, came to Missouri.

The means of transportation used by my father from Virginia to Missouri consisted of two large wagons (made by convicts in the Virginia Penitentiary in Richmond), each of which were drawn by four horses. In these two wagons were placed the household goods that had accumulated in the Virginia home. Everything being ready, the "whip was cracked" and the start was made for Missouri, a thousand miles and more away. For six long weeks

they journeyed before the goal was reached. Over hills and through valleys, over mountains and across rivers, they traveled from Virginia through Tennessee, Kentucky, Indiana and Illinois, until the great Mississippi River was reached and crossed.

The children (except the youngest) and the negroes "footed it" practically all of the way. At nightfall camps were made on the roadside, tents pitched, fires lighted, horses tethered, watered and fed, meals cooked on open fires, beds made in wagons and on the ground, prayers said, and beneath the twinkling stars sleep was eagerly sought by each and every one of the tired party composing that group of hopeful and joyous "movers." A place was temporarily rented in the southern part of Warren County. This had a brick dwelling on it, the only building of its kind in the county. It was known far and wide as the "Brick House Place."

The master, the leader, who had turned his back on the thin land of Henry County, Virginia, was looking, as most Virginians did, for "bottom land and living water." In this search he passed over the rich and fertile uplands of St. Louis and St. Charles counties and finally came to the bottom lands on Big Creek in Lincoln County. Here he found the place he was seeking. He bought of a man named Chambers, two hundred and sixty acres of bottom and hill land. The bottom land was rich and productive, but the hill land, while splendid with timber, was thin and poor. There were a few acres of cleared land in the bottom that had been cultivated by Chambers and a cabin in which he had lived, that was situated near the clearing and close by a well of "living water."

Possession was taken and improvements began. In the bottom the growth was large sycamore trees — on the hill big oaks with some hickories. The sycamores were felled, cut in pieces, rolled together and burned and the land made ready for cultivation. On the high land oak trees were felled, cut to the proper length, hewn on two sides and built into houses for a residence and other purposes on a high hill that overlooked the bottoms. The residence was composed of four large rooms and was two stories in height. A stone chimney was built between the four rooms (two below and two above) with a fireplace in each. The roof was made of boards cut and split by hand and the interstices or cracks between the logs were filled by a mortar composed of earth, straw and lime. In addition to this most pretentious dwelling, other buildings were erected in close proximity, — houses for the negroes to live in, smoke house, kitchen, etc., etc. Everything seemed to be moving along happily and well; clearings were made, stables and fences built and improvements of a substantial character were to be seen on all sides; prosperity apparent everywhere. But, alas, after three years of unremitting toil and the endurance of hardships only known to the pioneer, there came the great flood of 1844, a flood of a magnitude hitherto unknown and which has never been equalled since. The creek (Big Creek) was not only big in name but big in fact. Practically all of the improvements made on the bottom lands were swept away, together with the ungathered and ungarnered crops.

This unfortunate disaster left the owner, the courageous master, practically where he began three

years before. In time this could have been righted by hard work, but there was a greater misfortune to follow—a misfortune that could not be remedied. The waters of the great flood receded, but over the land that had been deluged there lurked the insidious, treacherous and deadly malaria. This hideous monster got within its coils both the master and the mistress—caught the devoted husband, the just and patient father, the considerate master, and the loving wife and mother. After weeks of pain and struggle, the master closed his eyes in death on the 8th of October, 1844. He was buried on the hill near the house he had built, and there for more than three quarters of a century his ashes have reposed. The wife and mother, after a long illness, finally recovered her health. The departure of the husband left the burden of family government, the new and strange home, the care of children, their support and education upon her who had been to him sweetheart and wife. This heavy burden she took and carried during a widowhood of forty-six years, with a courage and loving fidelity that justly entitled her to be crowned a “Spartan mother.”

During the years of her widowhood she directed the work of the farm, provided for the comfort and education of her children as best she could with the meagre opportunity that the neighborhood furnished. One by one they married and left the “mother-nest” for homes of their own. Finally in the autumn of 1857, the youngest of her children, the writer of these notes, went to Bowling Green, Pike County, Missouri, to study law in the office of Hon. James Overton Broadhead. She was left on the farm with an

orphaned grandson and several slaves. Here she remained until after the Civil War when the slaves were made free, at which time she sold the farm and removed to Louisiana, Pike County, Missouri. She afterwards removed to Jonesburg, Montgomery County. Here she died on the 1st day of February, 1890, at the age of nearly ninety-six years.

All of her life she was possessed of great physical and mental strength. Within a few hours of her departure she was in full possession of her faculties and within that time gave minute directions as to her funeral. The following was taken from the *St. Louis Globe-Democrat* of February 2, 1890:

MRS. NANCY R. DYER

(Special dispatch to the Globe-Democrat)

Jonesburg, Missouri, February 2, 1890. — At ten o'clock last night there died in this place a woman who had lived to a remarkable age — Mrs. Nancy R. Dyer, widow of Hon. David Dyer, formerly of Henry County, Virginia, at the age of 95 years, 8 months and 4 days. She was the mother of twelve children — five sons and seven daughters — seven of whom survive her, viz: Capt. James C. Dyer, of Warrenton; Mrs. Sallie A. Mason, Mrs. Jane Wyatt, Mrs. Elizabeth Ball and Mrs. Matilda Foreman, of this vicinity; Mrs. Louisa B. Carstarphen and Col. D. P. Dyer, of St. Louis.

Mrs. Dyer came with her husband and children to Missouri in 1841, and settled near Troy, Lincoln County, Mo. Her husband died three years later, leaving a large family.

She leaves surviving her seven children,

sixty-four grandchildren, 165 great-grandchildren and six very great-grandchildren, a total of 242 descendants living. She survived five of her own children and thirty of her grandchildren. The total descendants living and dead of this aged woman are 277. Mrs. Dyer possessed a mind of extraordinary vigor, and up to the last moment of her existence she was in full possession of her faculties and gave the most minute directions as to the disposition of her remains and the division of her effects. Her husband was a soldier in the war of 1812, and served subsequently with distinction in the House of Delegates and Senate of the State of Virginia. Mrs. Dyer lived under the administration of every President of the United States from Washington to Benjamin Harrison, and her life has therefore been co-extensive with the establishment and growth of the United States. She will be buried on Tuesday next in the old family burying ground in Lincoln County.

As above stated, she left surviving her children, grandchildren, great-grandchildren and very great-grandchildren to the number of two hundred and forty-two. Prior to her death, thirty-five of her descendants had died. The grand total of descendants living and dead numbered two hundred and seventy-seven. In all the years of her long life, she performed faithfully and well every duty imposed upon her.

“The greatest lives are those to duty wed,
Whose deeds both great and small are close-
knit strands of unbroken thread
Where love ennoble all.”

This is not intended as an eulogium of father and mother, but as a brief recital of facts bearing upon two lives that were most happily joined together. They were God-fearing and God-loving Christian people, and tried hard to "do unto others as they would have others do unto them."

In early life each of them professed religion and became members of what was then and now known as "Primitive Baptists." They were consistent members of the church, and died in the faith. The old song so dear to them embodied in the refrain their belief and hope

"And I shall see Him face to face,
And tell the story saved by Grace!"

II

BOYHOOD IN LINCOLN COUNTY

Farm Life in Missouri — First Impressions of Slavery — The Block — Religion on the Frontier — The Pioneer's "Good Times" — Master and Slaves.

I was but six years old at the time of my father's death, and consequently my recollections of him are very vague. My mother was very ill when he died, but recovered her health in a few weeks' time and assumed the duties and shouldered the burden that had fallen upon her. Remaining with her in this new but now desolate home, made so by the death of the master and the great disaster caused by the flood, were six children, James, Jane, Elizabeth, Louisa, Matilda, and myself. The six older children, namely, George, Joseph, Mary, Martha, John, and Sarah, were married and in homes of their own. James and Jane did not remain long after the death of my father, but married and moved away. This left the four younger children, three sisters and myself, at the home with our mother. The neighborhood was sparsely settled, as said elsewhere, there being not a mile of railroad in the State, and the closest point to a navigable river, the Mississippi, was sixteen miles.

There was one water-mill and one "horse-mill" in the neighborhood. The water-mill ran only two or

three months in the year, and then only as the waters of Big Creek furnished the power. This mill would grind wheat and corn, but the flour made from the wheat was bolted by hand. The "horse-mill" was located some six miles from our home and the power used at that was two horses attached to a sweep. The burden of taking the grain to the mills and bringing back the meal and flour, most generally fell upon me after I reached the age of twelve years.

The family consisted of mother and four children and seven or eight slaves. My father made a will in which he gave to each of his eleven older children one or two slaves and certain personal property. To my mother he gave the place and seven or eight negroes—one man, three women and two or three younger slaves. This property was to be hers during her lifetime and at her death to vest in me, the youngest child.

On the farm were cultivated corn, wheat, and tobacco. Tobacco was the staple principally relied upon to furnish the means necessary to buy family supplies. However, in addition to the tobacco, some wheat, bacon, oats, poultry, butter and eggs were sent to market and sold. St. Louis, sixty miles away, was then, as it is now, the market for that section of the State. It took five days to make the trip, two in going, one day in St. Louis and two to return. After I reached fourteen years of age, the marketing for the succeeding four years fell upon me. Only two or three such trips were made in the year. In the winter I stood upon the streets in St. Louis and sold turkeys, geese, ducks, and chickens, and with the proceeds of such sales bought sugar, coffee, molasses,

salt, etc. On one occasion I made the trip without spending a single cent. The Missouri River at St. Charles was frozen over and wagon and team crossed without difficulty. The feed for the horses was carried in the wagon, as were the meat, bread and coffee that I used. At night I slept in the wagon or on the ground, as the weather permitted. These details are given for the purpose of showing the opportunities of that day and this. Then five days, now less than five hours to make the trip; then over heavy and unimproved roads, now in comfortable coaches.

The most interesting and enjoyable meetings of neighbors were at "log rollings," "corn shuckings" and "hog killings." Here the neighbors joined together to help each other. While the men were engaged in this work, the women were spinning or quilting, and when the day ended, a hearty and joyous gathering was held around the dinner table and fireplace. It is a question as to whether the people were not happier then than now. In the old time, friendships were stronger and more sincere. There was less selfishness and more of the milk of human kindness in the make-up of people than now. Families were strongly united, and it was a disgrace and reproach to countenance divorce. Men and women married each other for love—now in many cases for money and position. These comments may be a little out of place here, but the facts as I knew them when a boy made a deep impression upon me, and I have tried through life to emulate the stern integrity and the unselfish friendship that characterized the people of the early days.

The opportunities offered for obtaining an educa-

tion, however, were the most meagre. It was while attending the country school that an incident occurred in the neighborhood that had much to do with forming my future political opinions. Slavery was a recognized institution in the State, and men, women, and children were treated as chattels and bought and sold at public and private sale. My mother had fallen heir to several by the terms of my father's will. Neither she nor my father ever sold one. Brought up as I was with the institution, I never questioned the right or the wrong of slavery until the incident of which I am about to speak, occurred.

I saw a family sold in Troy when I was a boy, probably ten or twelve years of age. It consisted of husband, wife, and three children. The sale was conducted by a little sharp-nosed man by the name of Joe Shelton. The father of the family was first placed upon the block and sold to a trader from the South. The wife and mother was then sold to a different person, as were the two daughters, aged about sixteen and fourteen, and the baby boy about five years old. When the baby was put up for sale to the highest bidder and the father held him in his arms while Shelton asked for bids, the tears coursed their way down the black face of the good and unoffending father as the auctioneer proceeded. This child, this baby, was sold away from the father and mother. I can still hear that tiny thing calling out, "I want my mammy!" As I stood there and witnessed the wreck of this family, I for the first time understood and appreciated the iniquity of the institution. I went home that night and told my

mother what I had seen. I said to her that a just God would not countenance such a wrong—that the preaching of Mr. Wright and others that slavery was right and that it was a divine institution, could not be true, and as for me, if the time ever came when by word or act I could aid in striking a blow that would end it, the blow would be struck. I thank God that I kept the promise.

This was but one of the harrowing incidents of this accursed institution.

The country in and about the place my father bought was sparsely settled. The pioneers came mostly from Virginia and Kentucky, with now and then a family from a State farther south. In politics they were mostly Democrats, and in religion Primitive Baptists. Thomas Jefferson Wright (himself a Kentuckian) was the elder in charge of a congregation that met for worship two or three times each month in a log house then known as Sandrun Church. My father and mother were both members of this church and so continued up to the time they died.

Elder Wright officiated at the funeral of my father in October, 1844. He was a Southerner by birth, and his convictions on any subject were strong and generally expressed with great vigor. He believed in the institution of slavery, not only from a legal but from a religious and moral standpoint. He would preach sermon after sermon upon the subject and seek to prove by the Bible the correctness of his position. The right to own slaves and the doctrine of baptism by immersion were the two principal things that he sought to establish by the Bible. He (representing his church) was opposed to missions,

temperance and secret societies of all kinds, and Sunday schools.

He and the church membership were bitterly opposed to all churches that did not believe in baptism by immersion or that allowed or tolerated Sunday schools. The community was, as before stated, composed chiefly of Baptists, but after a while the Methodists made perceptible inroads into the "settlement." They accepted into the church those baptized by sprinkling and those who believed in temperance societies and Sunday schools. This assault upon the Baptist citadel became so pronounced that notice had to be taken of it. Heated and angry discussions took place between the adherents of the two faiths. Finally Elder Wright made known from the pulpit at one of his monthly meetings that "the Sunday after the first Saturday of next month" he would pay his particular respects to the Methodists. This announcement had the effect of bringing together at Sandrun Church the largest assembly ever known in that community. Not only did the Baptists turn out, but the Methodists as well. The old double log house was not large enough to hold the crowd, and many stood outside but in hearing distance of the preacher. The Methodists had come early and got seats under the very drippings of the sanctuary.

When the hour for the service to begin arrived, Mr. Wright entered the church and, with head erect, marched into the pulpit. He looked every inch a conqueror. I was a mere lad at the time, but I recollect the occurrences of the day as if it were but yesterday. He first lined out from the only hymnal in the church the familiar hymn, the first lines of

which read, "Go read the third of Matthew, go read it through and through." He then asked Thomas Riddle to "raise the tune." The song was sung with an impressiveness and enthusiasm rarely witnessed in a religious congregation. After the song a short prayer was said, and then he opened the Bible and turned to the third chapter of Matthew (the Baptist platform) and began to read it. He read the whole chapter but laid strong emphasis on the following verses:

“5 Then went out to him Jerusalem, and all Judæa, and all the region round about Jordan,

6 And were baptized of him in Jordan, confessing their sins.

13 Then cometh Jesus from Galilee to Jordan unto John, to be baptized of him.

14 But John forbade Him, saying, I have need to be baptized of thee, and comest thou to me?

15 And Jesus answering said unto him, Suffer *it to be so* now: for thus it becometh us to fulfil all righteousness. Then he suffereth Him.

16 And Jesus, when He was baptized, went up straightway out of the water: and, lo, the heavens were opened unto Him, and He saw the Spirit of God descending like a dove, and lighting upon Him:

17 And lo, a voice from heaven saying, This is my beloved Son, in whom I am well pleased.”

When he had finished reading the chapter, he repeated with great emphasis the words "And Jesus went up straightway out of the water." He took off

his glasses and, with the proud air of a victor, pointed his finger at the Methodists and said in a loud voice, "*Straightway out of the water, and not out of your sprinkling pots—not out of your sprinkling pots!*" This was practically the end of the service, for the enthusiasm of the Baptists, their vociferous applause at what they considered the "death blow" to the Methodists, would allow nothing further to be said. In the opinion of the Baptists the battle was won and nothing remained but to give burial to the Methodists.

The Primitive Baptists, popularly called "Hardshells," were a plain, sincere and honest folk. There was a man by the name of Jennings who had come into the neighborhood and married a widow by the name of Cahal. He became very unpopular for some reason, and finally joined the Baptist church and was baptized in Big Creek by Mr. Wright. One of the neighbors who was hostile to Jennings, instructed his servants not to water the horses below the place where Jennings was immersed, for fear the water would make the horses sick.

Another amusing incident that happened in the neighborhood grew out of the fact that Willis Jones attempted to preach. He was a good man, but very ignorant. He had no education and could neither read nor write intelligently. He believed he heard a call to preach from the Master, and responded as best he could. The Baptists believe that all of their preachers are called by God, and so my mother, a firm believer in the tenets of the church, when joked about Jones, said, "Some one was calling hogs and Willis mistook the call and answered."

Aside from the Baptist and Methodist, there were

no other religious organizations in the neighborhood. Troy was then, as now, the county seat of Lincoln County and situated five miles north of Sandrun Church.

The amusements provided for the younger set consisted of gatherings at neighbors' houses, where games were played and frequently dances indulged in. The music for the dances was furnished by negro fiddlers, and was of a character "not to be sneezed at." There were three of these fiddlers in the neighborhood — Rube and Ming, who belonged to Billy Clark, and Sneb, who belonged to Boyd. I have never heard any sweeter music than that drawn from those old fiddles. I can still hear (or imagine I can) old Ming as he would play, sing, and call the figures, "Ladies in the center, and all hands round!" "All four forward, and do-si-do!" "Swing corners, and all promenade!" The dances would continue all night long, and with old Ming half asleep and the fiddle still going he would sing as an accompaniment, "Hop light, ladies, day is a'breaking, don't you see the morning star?"

Those were good old days, and everybody happy. The hat was passed around for the benefit of the fiddlers, and everyone was expected to contribute not less than ten cents and not more than twenty-five. This was all the expense attending these parties. These dances were "pulled off" most generally at the homes of Harvey Brown, Jacob Geiger, and Macon Hill. The young men and young ladies went to these homes on horseback — usually two on a horse — the man before, and the lady behind. If the horse objected to

“carrying double” it was good to see with what tenacity the young woman held on to the man to keep from falling off. The man seemed pleased with the situation, and the woman did not object. In the winter when the snows were deep, every young fellow in the neighborhood had a sleigh or, as it was then called, a “jumper.” This “jumper” was easily constructed. Two saplings of sufficient length were cut down for runners. Holes were bored in the larger part, standards inserted and braces placed, upon which a box sufficiently large for two persons was fastened, and the forward or smaller parts of the saplings were used as shafts. These were fastened to the hames on the horse with lines made of rope, and, with a large cow bell on the horse, the gayest trips possible were made from house to house in that sparsely settled territory.

In the evenings, after the stock had been fed and supper eaten, the negroes in their cabins, the banjo was taken down from the wall and a regular “walk around” took place.

It is a just tribute to the negro to say that they were faithful, obedient and loving to the whites, and there was no lullaby ever sung to the white child that was sweeter than that which the “old mammy” would sing. Surely, the good Lord will not forget them in the great hereafter.

An incident showing devotion to the wife and child by an old negro was never better exemplified than in that which I am about to relate. Christopher Carter was a neighbor of our family and owned a negro man by the name of John. John had a common-law wife

by the name of Paulina, who belonged to my mother. Marriage between negroes was prohibited by law, and it was only by voluntary cohabitation that semblance was given to legality. These two persons, John and Paulina, were the father and mother of several children, all of whom under the law belonged to my mother. When the California gold excitement of 1849 was at its height, Carter's three sons, George, Tom and Rolla, determined to cross the plains to California in search of gold, and with the permission of their father, took John (the slave) with them.

Thus it was that the husband, without his consent, was taken away from the wife and children and made to work in the gold fields for his young masters. Had John seen proper to avail himself of his rights to freedom under the laws then existing, he could have remained in California a free man. This he did not prefer to do, but trusted to his master to take him back to slavery and his wife and children in Missouri. After being in California a year, the youngest of the Carter boys, Rolla, was taken very sick. It was thought best to send him home by water in care of the faithful old John. The two went on board ship at San Francisco and started for New York via Panama. This sick man was carried on the shoulders of John across the isthmus and placed in a vessel on the Atlantic side. In the course of time the vessel reached New York and the two passengers made their way from New York to Missouri. I was twelve years old when they returned, and I can never forget the joy that was overflowing in the cabin when John embraced his wife and children. Here was a husband so devoted to wife and children that he pre-

ferred them with slavery to freedom without. Monuments have been erected to many who are not so deserving as old John.

Carter owned another negro man by the name of Fred. He also had a wife at my mother's home, and her name was Rachel. These two were also father and mother of several children. Carter became involved in debt and had to sell Fred to get money to pay off his indebtedness. Fred was sold to a "negro trader" from the South. Thus it was that another family was separated for all time. One of the children followed my fortunes in the Civil War and took care of my horses while I was Colonel of the 49th Missouri Infantry. All of that family of negroes are dead, and only two years ago I contributed to the funeral expenses of the last one of them.

I have probably devoted more space to what I consider great wrongs done to the negroes than I should, but I confess that my sympathy for them has much to do with it all.

III

EDUCATION

John B. Henderson, a Sketch — Schools of the Time — Meagre Facilities for Education — St. Charles College, 1855 — Read Law while Teaching.

In the neighborhood where my father settled, was a family by the name of Henderson. They came to Missouri from Pittsylvania County, Virginia, a short time before my father settled in the State. The two counties of Henry and Pittsylvania joined and composed a part of a Senatorial District represented by my father in the State Senate of Virginia. The Henderson family consisted of husband, wife and four children when they settled in Missouri. The wife did not live long after coming to the neighborhood. The husband was addicted to the use of liquor and when in his cups was very quarrelsome. While under the influence of liquor he got into a fight with a neighbor, and in it lost his life. He left four children, two boys and two girls, without a dollar in the world. The children were named John, James, Ann, and Mary, and they were left as I have said, without means and without relatives.

The County Court of Lincoln County appointed Carey Duncan guardian for them, and it became his duty to find homes for them among the people of the

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neighborhood. The oldest, John Brooks Henderson who, as will be seen hereafter, became greatly and justly distinguished, was apprenticed to Oliver Simonds of Troy, the county seat of the county, to learn the trade of a cabinet maker. The remaining three were given homes with other families. John was a red-headed, quick-tempered fellow, and from the beginning took a dislike to Simonds. After working for a month or so, he and Simonds got into a fight, in which the boy got the best of it. Simonds saw Duncan and told him to find another place for John, and this he did by "binding him out" to old Billy Browning on a farm. This was the beginning of a career hardly surpassed anywhere in the history of the United States.

If ever there was a self-made man in this country, John Brooks Henderson was that man. He rose from absolute poverty to affluence, and from an uneducated youth to a great scholar, from a student of law while he taught a country school to one of the leading lawyers of the State—from a tyro in debate to a convincing orator. He became a senator of the United States and served with great distinction. He it was who drew the 13th Amendment to the Federal Constitution. He and Abraham Lincoln were great friends. In his public service he reflected great honor upon the State of Missouri as well as upon the whole country. I give particular mention to Henderson here for the reason that Lincoln County was always proud of him and justly claimed him as the greatest man the county ever produced.

The terms of his apprenticeship were that Brown-

ing should furnish board and lodging and clothing and three months' schooling in the year in exchange for John's labor on the farm. Here the boy lived for two years and until he reached the age of eighteen. He had by great industry acquired what was then considered a fair education. He went to the adjoining county of Pike, where he made the acquaintance of Matthew Givens in the lower part of that county. Here, through the influence of Givens, he was employed to teach a country school, and continued as such teacher for a year. He began to study law while teaching, and before he was twenty years of age was admitted to the bar by Judge Ezra Hunt, then Circuit Judge.

He opened a law office in Louisiana, Missouri, where he continued to reside for many years. He soon became prominent in his profession and by the time he was twenty-three years of age, the voters of Pike County elected him as one of their representatives in the State Legislature and he became at once prominent and influential. He impressed himself and his views upon the body and took an active part in the legislation of the day, especially that which authorized and established a State bank and branches. One of these was located at Louisiana and Henderson became its president, and Benjamin P. Clifford its cashier.

After he had been admitted to the bar in Pike County by Judge Hunt, he went back to Troy to attend a term of the Circuit Court. One evening during the week he went out to "Billy Browning's," to visit with the family of his former master and to stay over night at the place that had been his home

during the time of his apprenticeship. He arrived after the supper had been served. This story I heard Mr. Henderson tell many times.

Mrs. Browning ordered her son Arthur, who was not very bright, to prepare a supper for John. The supper was served in a kitchen that stood in the yard some thirty feet from the residence. Among the "eatables and drinkables" that Arthur served, was a quantity of sweet milk that was contained in a yellow crock. Upon inspection, Henderson discovered that the milk was very rich and covered with thick cream. After drinking all of the milk that was in the crock, he said to Arthur, "You are all more liberal than you were when I lived here! *Then* you skimmed the milk with a feather, but now you give it full of cream!" Arthur, in a drawling sort of way, said, "That's true, but we would not have given you this milk with cream on it, if it hadn't been that a rat got drowned in it this afternoon." After this information the milk refused to stay down and Henderson was no better off than when he began the supper.

In 1860, the year preceding the war he was a candidate for Congress from the Pike County District. He was an ardent "Douglas Democrat" and was nominated by a convention that met in Mexico, Audrain County. On the day he was nominated, another convention of delegates representing the Bell-Everett or American party met in Mexico in a hall separate from that of the Democratic party, and there nominated as its candidate, Honorable James S. Rollins of Boone County. Thus it was that two of the greatest men in the State were pitted against each other for Congress. The canvass that ensued

was the most noted that had ever taken place in the State.

By mutual arrangement between the two, joint discussions were held in each county of the district. I was a candidate for Circuit Attorney at the same time, and had the pleasure of hearing the two in joint discussion at Middletown, Montgomery County, and at Cottleville in St. Charles County. I was a partisan of Mr. Henderson, supporting him as best I could, and cast my first vote for Congressman, for him. He was a strong man on the stump and gave blow after blow with precision and force. Rollins was the more polished orator of the two and by his eloquence swayed the populace as very few orators could do. He was a handsome man, with most gracious manners, and his words were spoken with an ease that charmed all listeners.

James S. Rollins was elected in November by a small majority, and took his seat in the next Congress. He was a candidate for re-election in 1862 against Honorable Arnold Krekel of St. Charles County. He was again successful. In 1864 he was succeeded in Congress by the Honorable George W. Anderson of Pike.

The opportunities offered in the neighborhood for an education were very limited. About one mile south of my home was a school-house built of logs. It was about twenty feet square, with a door in one side and a chimney place opposite. This chimney was built of stone gathered from the hill-side, and the fireplace was of sufficient size to take large pieces of wood. On the third side of the room, a log in its

entire length had been left out for the purpose of making a window. Beneath this window a writing desk was made of a long plank about eighteen inches wide. It was on this desk — this plank — that the children were taught to write. The seats were made of logs split in half and supported by legs driven into augered holes. The interstices or cracks between the logs in the house were filled by mortar made of earth, lime and straw. In winter, with a blazing fire going, and the door shut, the room was fairly comfortable. It was in this house, when I was about six years of age, I started to school. With me went my three sisters, Elizabeth, Louisa, and Matilda.

John M. Faulconer was the teacher. He was the father of a large family of children, all of whom were of school age. Among others that went to the school at the same time were the children of Messrs. Ross, Creech, Cahal, Blanton, Duncan Carter and others. Faulconer was an old resident of the neighborhood and while a most excellent man, had a very limited education. The books in use at the time were McGuffey's speller and readers, Pike's arithmetic, Smith's geography and grammar, and a copy plate that was followed in writing. The pens used were made by the teacher out of goose quills, as there was no such thing as a steel pen in those days. Usually the school year lasted for about four months, and the teacher was paid at the rate of \$15.00 per month. He furnished his own board and lodging.

Those who attended this school were the children of poor people and knew what it was to live on short rations. They were healthy and indepen-

dent, and grew up to be strong men and women. Now and then there would be one who gave little promise of usefulness or who "would not take learning."

A boy by the name of Dick Blanton started to this school. His father was a small farmer and conducted a diminutive distillery in connection therewith. Dick was twelve years old and did not know a letter in the book. He had, however, learned to swear, drink whiskey and chew tobacco. When he first came, he said to the teacher, "All I want is a good education and plenty of new white whiskey." After he had been coming for a week, I (much younger than he) ventured to ask him how he was getting along with his letters. He replied as follows: "I have learned them all except that d——d letter 'E', but I think I will harness that before long." Poor Dick! He drifted along in life until the Civil War and then very naturally joined the rebels (as we then called the Southerners) and was killed in battle.

There was another boy by the name of Jennings that went to that school, and seemingly promised well. He also drifted along until the War, and also joined the rebels. Early in the fighting he was taken prisoner by a Federal command in which I was serving. Recognizing him as an old friend and school-mate, I asked him why he was in the brush. His reply was, "Well, they are going to free the niggers." I said, "Have you or your folks any *niggers* to free?" He answered, "No!" I then said, "Why are you so much interested?" His reply was, "If the 'niggers' are free, they will steal everything." This prompted me to ask him if he or his folks had anything to steal. He said, "No!" and then he said,

“Pat, you are asking me some hard questions, and all that I have got to say is that any man who’ll read the *St. Louis Christian Advocate* (a Southern Methodist newspaper) and drink Middletown whiskey is bound to go into the rebel army.” At a reunion of my regiment after the war at Wellsville, Missouri, Dr. McAmally, the former editor of that paper, was an invited guest. I repeated this story to the seeming edification of all present, especially Dr. McAmally.

In giving these reminiscences, I have allowed myself to leave the beaten track, that is, the schools of that time.

As I have said, Mr. Faulconer did not have much of an education. He could go so far but no further. For the several years that I went to him I got only so far as the end of the “single rule of three” in Pike’s arithmetic. At the end of that rule I was told to *review*. The intricacies of the *double* rule of three seemed to be unknown to the teacher and, of course, were unknown to me. His knowledge of the other studies he sought to teach was on a par with his scholarship in arithmetic. He was a good man, however, and I revere his memory.

Later on I was taught by Ellis, Parker, Reynolds, and Sydnor at another country school about three miles from home. Sydnor was considered the best of the lot, for the reason that he had had a year at college in Jacksonville, Illinois. He had two sisters, Bettie and Abiah, that went to him at the same time I did. They grew up to beautiful womanhood and were happily married. They and their brother have long since passed to the great beyond.

In addition to these teachers, I was sent to a married sister who lived some fifteen miles away, and

there attended another country school taught by "old John Williams." Subsequently I remained at this sister's house and went to another country school taught by one Thomas Williams, but of no kin to the ancient John.

In September, 1855, I went to the Saint Charles College and remained a school year. This college was the most pretentious school in that part of the State. Dr. Anderson, a Southern Methodist preacher, was the President. He had with him in the faculty, four or five teachers of good attainments. The students attending the college the year I was there numbered more than a hundred. Among them were E. Spruel Bufort, John Pittman, John C. Orrick, Theoderick McDearmon, John and William Bull, John Cunningham, Norman Davis, Joseph Dyson, Joseph and John Wherry, and others whose names for the moment escape me.

The term was fairly successful so far as advancement in studies was concerned. At the expiration of the term I returned to my home in Lincoln County and at the age of eighteen applied for and obtained employment to teach school in the same district that was first in charge of my old teacher, John M. Faulconer. One of the school trustees was William Schaper, who was my warm and steadfast friend. The term was for three months at a salary of twenty dollars per month. At the expiration of the term I was employed at a salary of forty dollars to teach a district school in Warren County. In that and the adjoining district I taught for nine months, which together with the three months in Lincoln County made one year of school teaching for me. During the last few months of that time I engaged in reading, at

night and other convenient moments, Blackstone and Kent's Commentaries, borrowed from A. V. McKee, a lawyer of Troy, who was also school commissioner for the County, and who gave me my first certificate to teach school.

In one of the last-mentioned districts, a man by the name of Willis Jones (elsewhere mentioned as a Baptist preacher) was one of the three school trustees. He was a good-meaning man but densely ignorant. It was customary on Friday afternoon of each week, for the patrons of the school to come in and hear their children recite. On one occasion Mr. Jones was among the visitors. As it happened, I was hearing a class in geography. The chief point in the examination was as to the rotundity of the earth and of its turning on its axis every twenty-four hours. In the midst of my effort to fully explain to the class, I was interrupted by Mr. Jones, who disputed the correctness of what I was saying. With much warmth he stated that if the world moved as I had indicated, all streams would run the wrong way, etc., that his position was not only sustained by that of common-sense, but fully by the Bible. "The sun, and not the world, moves," he said, "Joshua commanded the sun to stand still, and therefore it was the sun, and not the world, that was moving."

I was not very well versed in the teachings of the Bible, and for a moment I was at a great disadvantage. However, I recovered myself, and said, "Mr. Jones, I believe you are correct and that Joshua did command the sun to stand still, but can you point to me any chapter in the Bible where he ever commanded it to start again?" The old fellow scratched his head

and said he could not. So the teacher triumphed over the trustee, to the great joy of the class.

The poor opportunities and meagre facilities for acquiring an education in those days are fairly set forth in the foregoing. No one has felt this lack and the many difficulties in obtaining an education more than I. With such learning as I had been able to acquire, I determined to enter a law office somewhere and do my best to become a lawyer.

IV

STUDY OF THE LAW

Leaving Home — Bowling Green — Reading Law with Hon. James O. Broadhead — Experience with a Water-faucet — Prominent Families — Judge Ezra Hunt — My Future Wife — My First Legal Battle.

On the 27th of November, 1857, I bade my mother good-bye and, with a grip that contained some clothing, rode on horseback to Troy for the purpose of taking the stage for Bowling Green, to enter the law office of Honorable James O. Broadhead as a law student. The horse was taken back to the farm by a colored boy that accompanied me. At eight o'clock in the evening I took passage on the stage and started on my journey of thirty-five miles. The night was very cold and the snow was deep. The stage-coach belonged to Ben Hawkins of Bowling Green, who had a contract with the Government to carry the mail from St. Charles to Palmyra. This was an old coach, drawn by two horses. It did not have a wrap of any kind for the comfort of passengers. It happened that I was the only traveler that night, and the only way I had of keeping my blood in circulation was to get out and walk up every hill.

The first place for changing the horses was at Prairieville, on the line between Lincoln and Pike

counties. This stage stand was about half way between Troy and Bowling Green and was kept by a gentleman named Pollard. He had a hot, blazing fire going in the house that was most enticing. I got out and warmed myself while the horses were being changed, but I was not there long before the horn blew for another start for Bowling Green. The stopping by that fire did me more harm than good for I suffered from the cold more intensely than before. Finally, about daylight on the morning of the 28th of November, we pulled up in front of Blain's Hotel in Bowling Green. I was at the end of my journey.

I found the proprietor lying on a couch in the "office" and somewhat, as I believed, under the influence of liquor. After warming about the big stove for a while I became very thirsty. Noticing on one side of the room a large tank supposed to contain about twenty gallons of water for the use of the hotel guests, I went to it and discovered a faucet, the like of which I had never seen before. The end of this faucet was composed of a metal button about as large as a silver dollar. To get the water, this button had to be turned in a particular way. I did not understand the process, so I grasped the button and pulled. The whole thing came out and the water spurted half-way across the floor in a great stream. This seemed to anger the proprietor, Mr. Blain, who jumped to his feet and demanded to know where I came from. I told him as best I could, and he then said, "You certainly have never been away from home before!" To this I meekly assented; the flow of water was stopped and I patiently waited for the breakfast bell

Having eaten I then began to inquire about Mr. Broadhead, for I did not know a soul in the place—not even Mr. Broadhead—as my arrangement to enter his office had been made by letter. I was then told that he was out of town and would not return for a week. I located his office and went to it, finding in charge there a young lawyer by the name of Campbell—now the Honorable Robert A. Campbell. He seemed to know of my coming and it was not long before I was comfortably seated in what appeared a very large room. This office was on the second floor of a two-story brick building and was reached by an outside stairway. There was a small room in the rear of the office that afterwards became my bedroom. The lower floor was occupied by Doctors Bolton and Reynolds as a drug store and here they had their office also. They were co-partners both in the drug business and as practicing physicians.

In the way above described, I was inducted into the quaint old town of Bowling Green. It was indeed a curious old place. The court-house and jail stood in a public square, and a store, livery stable, blacksmith shop, hotel, and saloon faced the square. Residences were scattered here and there without much seeming attempt to place them in order upon the streets. The population, black and white, did not exceed three hundred souls all told.

The most prominent families were those of Mr. Broadhead, Judge Hunt, Dr. Reynolds, Dr. Bolton, Judge Murray, William Blain, Elcazar Black, Wesley Hendrick, and James M. Martin. In the country, not far away, lived William G. Hawkins, Johnson Hendrick, William K. Biggs, William A. Harris,

Simeon P. Robinson, Edward Dorsey and others, all prominent and thrifty farmers.

Those living in the town of Bowling Green made a happy and congenial family. They were cultured people and kept well informed as to happenings in the world, and their homes were open to all the good men and women of the town and surrounding country. They were quick to extend courtesies to strangers, and through these kindnesses I soon became acquainted with every man, woman, and child in the place. It was but a few days after my arrival that I met and became acquainted with Miss Lizzie Chambers Hunt, daughter of Judge Ezra Hunt, who three years later became my wife.

The young men and women of the town and neighborhood made a most charming society. I recall with much pleasure the names of many of them — Sallie Block, Lizzie Hunt, Nancy and Martha Hawkins, Maggie Blain, Virginia Martin, America Wise, Victoria South, Mary Hendrick, of the young women; and Robert A., Henry C. and James Campbell, William McCormick, James N. Black, George Winn, John W. and Peter Martin, John Edwards, and John W. Hendrick, of the young men.

At the time I entered Colonel Broadhead's office, I was about as poorly prepared as a young fellow could well be, to undertake so important a work as the study of law. My education was only such as I had been able to obtain from country schools and one year at college at St. Charles, together with what I had picked up while teaching the "young idea how to shoot." From the farm in Lincoln County I received enough money to pay my board, which was

three dollars per week, and now and then a suit of clothes of an inexpensive character. However, notwithstanding the limited accomplishments I had the courage to begin, and with that as principal asset the battle started.

The Bar of the county was a strong one. Cases of great importance were tried, and ably tried of course. I had the opportunity of attending sessions of the court which in a measure served as a lecture room for me. There were two terms each year and each term lasted for two or three weeks. When the courts, Circuit, Probate, and County were not in session, the little town was quiet indeed. Now and then I would appear before a Justice of the Peace and try a case, receiving a fee of not exceeding five dollars.

The first that I tried was at New Harmony, about ten miles from Bowling Green. The style of the case was Tabitha Ray against Hezekiah Laird, alias "Old Greasy." The suit was to recover possession of a cow. The cow had strayed away from its owner, Miss Ray, and had been taken up, posted, and sold by Laird to pay the costs and expenses of posting. At the sale Laird became the purchaser. Miss Ray engaged me to bring a suit in replevin to recover possession. I hired a horse for fifty cents from Billy Blain and rode out to a school-house at New Harmony, where Justice Goodman was holding court. I went in with more assurance than knowledge, and won the case. The cow was turned over to Tabitha and she handed me over the princely sum of five dollars in gold. After paying twenty-five cents for my dinner at the hotel and fifty cents for the hire of the horse, I had netted \$4.25. Such fees were scarce,

but now and then I would pick up a dollar by preparing a settlement of some administrator or curator in the Probate Court. In this way I got along fairly well.

In September, 1858, I was made Ring Marshal at a county fair. I wore a long red, white, and blue sash that reached from my shoulders to my heels and marched around the "ring" with great pomp, calling out at the top of my voice, "Bring on your four-year-old bulls, your four-year-old trotting stallions, etc.!" I was vain enough to think that I was admired by all the girls who sat in groups in the amphitheatre. Whether I was admired or not by them, they certainly made a beautiful picture as they sat in their bright gingham dresses and snow-white sunbonnets.

Bowling Green was a delightful place to live in, and the young people enjoyed themselves as much as any might elsewhere. Dancing parties were held in the dining room of Blain's Hotel and on the first floor of the court-house. These parties were attended not only by the young men and women of Bowling Green, but by many from the city of Louisiana and elsewhere. Two fiddles or more, technically and artistically speaking, two violins, made the music. They were played by negro men — "Old Major," a free negro, and Levi Bryson, who belonged to I. N. Bryson of Louisiana. The dancing generally continued from dusk until dawn, and frequently during the night the old song sung in accompaniment to the fiddles was, "We will dance all night till broad daylight, and go home with the girls in the morning!"

While the young people were prompt in their

attendance at these parties, they were equally prompt at church on Sunday.

I had never attended a service conducted by an Episcopal clergyman and was totally ignorant of the prayer-book of that church. Such services were rare in Bowling Green, for there was no place to hold them except through the courtesy of the Presbyterians in the church building owned by them. On one occasion during the fall of 1858, the Rev. Dr. Worthington, rector of an Episcopal church at Louisiana, came to Bowling Green to hold services. My sweetheart, who afterwards became my wife, was a communicant in the Episcopal Church and so when the time came I accompanied her to the service. Her father, Judge Hunt, was not a member of any church but was a "dyed-in-the-wool" Benton Democrat. He disliked Buchanan, then President of the United States, with an uncompromising hatred. When we returned from the service I was accosted by the Judge, who asked me if I had heard anything new at the church. I answered "Yes," and proceeded to say how perfectly appropriate the prayers seemed to be, especially the "prayer for the President of the United States." This seemed to stir up his hatred of Buchanan and he promptly said, "I think so too, for the d——d old scoundrel needs prayers as much as any one could!" I was a little shocked at this because I had been taught to believe that Mr. Buchanan was a very good man. I was wise enough *under all of the surrounding circumstances*, not to antagonize the Judge.

There was at the time in the office of Judge Hunt,

a young fellow by the name of Armstrong who aspired to become a lawyer. He was a conceited sort of chap and did not hesitate to try to answer any question that might be asked him. He too went to another church on Sunday and when he returned the Judge asked him the same question he had me, "Did you learn anything new?" Armstrong promptly said, "No," and when further questioned as to what the preacher said, told the Judge that the minister asserted that all persons would die, and proved it by saying that all persons heretofore had died. The Judge asked Armstrong if he believed the Bible. He answered, "Yes." "Well," said Judge Hunt, "how about Elijah? He did not die, but was taken alive to Heaven." This was a stumper for Armstrong, and then and there he determined that his vocation was not that of priest or lawyer.

Another most pathetic and amusing incident occurred in Bowling Green in the spring of 1858. Colonel James O. Broadhead was the owner of a negro man by the name of Estin. The two were about the same age and when boys, lived on a farm together and so grew to manhood. When Mr. Broadhead was married, about the year 1853, Estin became his property by virtue of a gift from the Colonel's mother. Estin never took his master seriously, but always regarded him as a fellow-associate. On this occasion, in 1858, Broadhead gave Estin orders which the latter would not obey. This brought on a dispute that resulted in a fist fight. I did not witness the combat, but was told that Estin got the better of it. Broadhead came to the office in a great rage and ordered me to find Ben Winn (a negro trader) and

tell him he wanted to see him. I complied with the order and Winn appeared. Broadhead recited the trouble he had had with Estin and wound up by engaging Winn to take Estin to St. Louis and sell him to the highest bidder.

The mode of conveyance between Bowling Green and Louisiana on the Mississippi River was by an omnibus driven by a man named Henry Wooten. Winn soon had Estin on top of the bus on the way to the river, where he was to take a boat for St. Louis. The bus left Bowling Green about 2:00 P. M., expecting to connect with the boat about six o'clock. It had just passed over the hill on the way to Louisiana, when Mr. Broadhead returned again to the office and with me went over all of the occurrences of the day with Estin.

No acting was ever seen on a stage surpassing that by Colonel Broadhead. In repeating the circumstances of the assault, he grew very angry and justified his course in selling the negro. He then quieted down and took the tender side of the controversy with himself. He spoke as if talking wholly to himself. Said he, "My mother gave me Estin, and I brought him to Pike County. She was always opposed to slavery and I do not believe that she, if alive, would approve of my selling him." He would then go back to the bitter assault that Estin made upon him and would try to justify himself in making the sale. Time and again he referred to his mother, and finally the good in him got the better and he turned to me, saying, "Have you got anything particular to do this afternoon?" I replied that I had nothing. He said, "Would you mind taking

your horse and going to Louisiana to tell Winn to send Estin back?" I said it would give me great pleasure to comply with his request. From that time until I mounted the horse and was off on a gallop to catch up with the bus, Mr. Broadhead was most impatient. I reached Louisiana shortly after the bus arrived and when I told the reason for my being there, Estin simply remarked, "I thought Marse Jeems would get sorry." Estin went back the next morning to Bowling Green and resumed his old position.

In 1859 Mr. Broadhead moved his family to St. Louis and took Estin with him. After the beginning of the Civil War and after several battles had been fought and lost by the Union forces, and the hopes of the Union men had been sorely tried, Estin suddenly appeared with a pack on his back and an old shot-gun on his shoulder before his master. Mr. Broadhead was greatly astonished, and said, "Estin, what are you going to do?" He replied, "Marse Jeems, I'm gwine to jine the army, for this war is not being carried on to suit me." And he did.

After the war and while Colonel Broadhead, in 1868, was making a political speech in Columbus, Ohio, Estin put in an appearance and affectionately greeted his old master.

Part of this story I was a witness to and the other part I got from Colonel Broadhead himself.

Both of them have passed to the next world where, in the sight of God, I believe all men stand upon an equal footing.

The Circuit Court began a term on the first Monday in March, 1858. Aylett H. Buckner was Judge,

James M. Martin, Clerk, and Mastin H. Arthur, Sheriff. The court was in session for about two weeks and several cases of importance were tried. There was a full attendance of lawyers from the county and elsewhere. Among them were James O. Broadhead, John B. Henderson, Ezra Hunt, N. P. Minor, Robert A. Campbell and others of Pike; Thomas L. Anderson, John D. S. Dryden and Gilchrist Porter of Marion; William Porter and A. V. McKee of Lincoln, and Uriel Wright of St. Louis. The latter was engaged in the defense of English, who was charged with the murder of Rhea at Louisiana. This was probably the most important case for trial. Mr. Broadhead was associated with Mr. Wright in the defense and Mr. Henderson was employed to assist the prosecuting attorney, Mr. Minor.

This was in fact a battle royal. The defendant and the deceased were each connected with influential families. English had stabbed Rhea in the heart. The surgeon who made the examination of Rhea after he died, was Dr. E. M. Bartlett. He was called as a witness by the State to describe the wound and to say whether it was fatal or not. In the course of the examination Bartlett unwrapped what he said was the heart of Rhea. Against this exhibition the defense vigorously protested. The Court sustained the objection and Bartlett was held to a description of the wound only. In the course of the argument, Mr. Broadhead denounced Bartlett in the severest terms for bringing the heart of Rhea into court, and characterized him as a "fiend in human shape."

This speech made Bartlett the bitter and implac-

able enemy of Broadhead. The two never met until nearly thirty years after the occurrence. Mr. Broadhead and I went to Louisiana to see a very dear friend, Henry V. P. Block, who was lying dangerously ill. Dr. Bartlett was one of the attending physicians and came into the sick room while we were there. I introduced them to each other, and they then and there shook hands and were afterwards warm friends.

In this recital I have digressed from the trial and its results. The argument of Uriel Wright for the defense was a masterpiece of eloquence, and the closing argument for the State by Henderson was strong and seemingly convincing. After an absence of several hours, the jury returned with a verdict of guilty of manslaughter only, and a punishment of two years in the State Penitentiary. English was pardoned by the Governor before he reached the prison.

To a young student like myself (only twenty years old), this and other trials were of much worth. When the court was not in session old "Uncle Jimmie Martin," the Clerk, would regale me with the happenings in other cases at prior terms of the Court. He was a good man, and seemed to take quite an interest in me. He was ready at all convenient times to give me such information as he thought might be of benefit.

Martin related the history of another case tried at Bowling Green and he seemed to enjoy the recital very much. A citizen who had bought from another a negro man, brought suit to recover damages for a breach of contract. This contract was in writing and, among other conditions, *warranted* the negro to

be sound in body and mind. Among the lawyers engaged in the trial was John Jamison of Callaway County. He was noted as a great "jury lawyer." In the course of the trial a young doctor was introduced as a witness to testify as to the ailments of the negro. He used such technical language that neither the Court, jury nor lawyers knew any more about what was the matter with the negro than they did before he testified. Jamison, in his speech to the jury, said, "Gentlemen, you heard the testimony of the young doctor. His learning is great and his knowledge of disease surpasses anything that has ever been heard in court. You gentlemen are uneducated, ignorant farmers and know nothing of the organization of the human body. It is only the *lawyers* that fully understood what the doctor said. I will try to tell you in language that you can understand what was the matter with the negro and what caused his death. Gentlemen, he had the Bum Gajum of the tetotum, or the whole prosinority of the circumfradunction." Jamison won the case, and the young doctor left the neighborhood to hunt practice elsewhere.

The major part of my time was spent in listening to stories by Martin and others in the daytime and "doing society" in the evening.

V

1858 - 1860

The Small-pox Scare — Lynching in Lincoln County — Admitted to the Bar — The Lincoln-Douglas Debate at Quincy — Electioneering — Elected Circuit Attorney — Marriage at Louisiana.

The County Court of Pike County had in 1857 authorized the building of a new jail. The contract was made and work begun in January, 1858. The iron and steel work was carried forward by laborers from the city of St. Louis. These laborers secured quarters and board in Blain's Hotel. Shortly after they came, one of them broke out with a malignant case of smallpox. The sick man was removed to an old vacant house about a mile away, where he shortly afterwards died. Many were exposed to the disease and especially the children of Mr. Blain. Doctor Stephen J. Reynolds was the attending physician who vaccinated all of the Blains and many more.

It became at once a battle royal between smallpox and vaccination. The latter prevailed and the cases (there were several) that appeared did not get beyond the milder type. It was a complete demonstration, as I thought, of the efficacy of vaccination. The people were greatly alarmed. One morning when I woke up, I discovered that my whole body was broken

out in red splotches. This frightened me, of course, and I felt certain that I had a genuine case of small-pox. I sought Dr. Reynolds, who made a close and thorough inspection and, to my great joy, pronounced it a case of "nettle rash."

There was a man by the name of Braustetter living about eight miles from Bowling Green in Indian Creek township, who happened to be in Bowling Green when the sick man was removed from the hotel. He was no closer to the wagon that carried the patient away than a half block, but he became infected and in a few days thereafter died. He communicated the disease to others in his neighborhood who also sickened and died.

The excitement attending the appearance of this disease speedily subsided and the citizens turned their attention to matters more pleasant to contemplate.

Having spent Christmas with my mother on the farm in Lincoln County, I was at the county seat on the 1st of January, 1858. The first day of the year was the time fixed by general consent for the sale and hire of negro slaves. There was a large assemblage of individuals there, some of whom went for the purpose of settling up accounts at the stores (settlements were usually made on that day), some for selling or buying of slaves, others for hiring of slaves, and many others were idle spectators.

An incident occurred that day that would never be forgotten by those who witnessed it. On the evening before Christmas a man by the name of Thornhill was stabbed to death by a negro slave belonging to him. The facts were briefly these: The merchants (there were four or five of them) of Troy

got their goods from St. Louis via the Mississippi River to Cap-Au-Gris and thence by wagon across the country to Troy. Thornhill was engaged by the merchants to haul their goods. This he did with a wagon and four horses driven by a negro man named Giles. Giles had been to Cap-Au-Gris for a load of goods on the day before Christmas, and returning by way of his master's house, reached there late in the evening to stay overnight. Thornhill at the time was under the influence of liquor and for some trivial cause began to abuse Giles, and finally without any justification whatever, assaulted and beat him severely with a large pair of "bridle bits." The assault was vicious and unprovoked, and the negro in absolute self-defense, and to save his own life, stabbed Thornhill with a small pocket knife. Thornhill died the next day from the effects of the wound. The negro was arrested and lodged in the jail at Troy. There he remained until the first day of January.

A neighbor of Thornhill's, by the name of Callo-way, was in Troy on that day. Mounted on a block in front of Parker's store, he began to harangue the crowd about the death of Thornhill. He appealed to the people to go to the jail and take the negro out and burn him. A few hot-headed, vicious and drunken men responded to this appeal, and armed with hammers and bars went to the jail and overpowered, or rather over-awed the sheriff, Peachy Shelton, broke open the door and led Giles (who was already shackled) out into the yard.

The only effort to stop the mob was feebly made by Shelton, who said, "Gentlemen, for God's sake, let the law take its course!" A great crowd of men

stood silent, without even a protest, and witnessed the mob (a half dozen men) prepare for the burning of this faithful old negro. There was an old fence around the jail, made of rails that were dry as tinder. A post made of one of these was driven into the ground and Giles fastened to it. The mob then took more rails from the fence and built a three-cornered pen around the poor defenseless negro and set it on fire. He was burned to death and his body entirely destroyed.

In a few days after this, Aylett H. Buckner, who was the Judge of the Circuit Court, called a special grand jury to inquire into the death of Giles, and to indict those who had caused it. The grand jury met but failed to return an indictment, not because the murderers were unknown, but simply because they were pro-slavery men and believed that the negro had no right to strike in self-defense. I witnessed this great outrage but was powerless to prevent it. The Grand Jury failed to indict, but justice did not sleep. Each and every one of the ring leaders, including Calloway, Segrass, and others, in a little while met violent deaths.

This great wrong and the failure of the people of the County of Lincoln to enforce the law against the murderers, cast a stain on the county from which, after more than sixty years, it has not fully recovered. This great outrage upon the life of a human being, and the utter failure of those charged with the enforcement of law to prosecute the wilful and deliberate murderers was the necessary result of the teachings of those who advocated the right of a white man to own a black one, and to deny to the latter the

inalienable right to life, liberty, and the pursuit of happiness, as expressed in the Declaration of Independence.

In the splendid memorial address of George Bancroft, the historian, delivered before the two houses of Congress in 1865 upon the life and character of Abraham Lincoln, he said, among other things, "In supporting incipient measures for emancipation, Jefferson encountered difficulties greater than he could overcome and, after vain wrestling, the words that broke from him, 'I tremble for my country when I reflect that God is just, that His justice can not sleep forever,' were words of despair. It was the desire of Washington's heart that Virginia should remove slavery by a public act, and as the prospects of a general emancipation grew more and more dim, he, in utter hopelessness of the action of the State, did all that he could by bequeathing freedom to his own slaves.

‘The mills of the gods grind slowly,
But they grind exceeding small.’”

On the 5th of January I returned to Bowling Green and resumed my place in the office of Mr. Broadhead. There was, outside of a few social gatherings, but little to be done there during the remainder of the winter.

On the first Monday in March, 1858, a term of the Circuit Court was begun with Aylett H. Buckner on the bench; N. P. Minor, Circuit Attorney; James M. Martin, Clerk; and Mastin H. Arthur, Sheriff in attendance. This was the first term of the Circuit Court that I was privileged to attend. Besides mem-

bers of the local bar, which was indeed a strong one, including James O. Broadhead, Ezra Hunt, John B. Henderson, Thomas P. Hoy, Robert A. Campbell, N. P. Minor, William L. Gatewood and Samuel F. Murray, there were lawyers of great distinction from other parts of the State; namely, Thomas L. Anderson and John D. S. Dryden of Palmyra, Alfred W. Lamb and William Harrison of Hannibal, Uriel Wright of St. Louis, and others.

The docket was quite full of important cases, both civil and criminal. The most important criminal case docketed for trial was that of the State of Missouri against English, who was charged with the murder of a young man by the name of Rhea. The story of this trial and the result has been previously told.

I attended court every day during the term and my observations during the time were most interesting and beneficial. There is no place equal to a court room where lawyers are actively engaged in the trial of cases, for the education of a student of law. I made it a point to attend the sessions of all courts held in Bowling Green, whether the Circuit, Probate or County Court or Justice of the Peace Courts, and I am frank to say that the time given to them was of greater benefit to me than was double the time spent in studying over cases reported in the books.

In the Circuit Court of Pike County at Bowling Green, in March, 1859, I was admitted to the Bar by Aylett H. Buckner, then Judge. I opened a law office in one of the small rooms of the court house, for which I agreed with the County Court to pay the sum of twenty-five dollars per year. I had a few law

books, an ordinary table, and three or four split-bottom chairs. I got a man to paint my name on a piece of tin 12x12, "D. P. Dyer, Attorney and Counsellor at Law," and fastened it on the door. And thus it was that my ship was launched and a struggle for bread began.

I was reasonably successful, more so than my acquirements justified. I was, however, badly defeated in the first case I tried in the Circuit Court, as my client was speedily sent to the penitentiary for a period of five years. The case was this: A man by the name of Knapp was indicted by the Grand Jury for enticing and attempting to entice a negro man belonging to John McCormick of Ashley, Pike County, to leave his master and seek freedom in Canada. The defendant was poor and unable to employ a lawyer, and the Judge appointed me to defend him. Slavery was a recognized institution in the State and the Legislature had passed most drastic laws to protect slave property.

In what I have said, allusion has been frequently made to the wrongs of the negro, but in this case it was the wrong done a white man who was trying to help a negro. In those days a negro could not testify in court, nor could a defendant in a criminal case testify in his own behalf. The negro in this case had betrayed his friend and told his master of the attempt to induce him to leave. Thereupon McCormick and Sam Russell, his neighbor, laid a trap to catch Knapp, so they could testify in court against him. They concealed themselves from view and heard the conversation between Knapp and the negro, and in this way were qualified to testify. The pro-

slavery sentiment in the county was so strong that Knapp had but a poor chance for even a fair hearing, much less an acquittal, before any jury that might be chosen. I did the very best I could, but the jury found him guilty and fixed his punishment in the penitentiary at five years.

A good friend of mine by the name of Johnson Hendrick lived in the neighborhood and was himself the owner of several negroes. He shared with others the prejudice that existed against all men who believed that slavery was wrong. He attended the trial, and when the verdict came in he promptly congratulated the defendant. Knapp was, of course, indignant and said, "I see nothing to be congratulated for in this verdict. I am an honest man and was only trying to do unto others what I would have others do unto me! For this I am to be sent to prison to be the associate of thieves and murderers, and it is for *this* you congratulate me?" Hendrick was for the moment speechless, but when he recovered, said, "I congratulate you on the size of the verdict. If you had had another lawyer like Dyer you would have gone for ten years instead of five."

Thus it was I began the practice of law in the Circuit Court.

From that time on the political excitement ran very high. Men were divided as they had never been before. The discussion of the slavery question (and that was the chief one) became very bitter and the threat of disunion began to loom up. The decision in the Dred Scott case had been made by the Supreme Court of the United States, in which it denied to Scott, a negro, the right of freedom. The Court was

bitterly assailed by some for its decision, and vigorously defended by others. Political parties were formed and political battles of the fiercest character were fought.

In the fall of 1858, a joint debate between Senator Stephen A. Douglas and Honorable Abraham Lincoln was being held in the State of Illinois that attracted world-wide attention. On the 13th day of October of that year, I went to Quincy, Illinois, to hear them. I left Bowling Green at night and went to Louisiana, remaining there overnight, and took the boat about daylight the next morning for Quincy, some fifty miles distant. The boat arrived about 11:00 A. M., just as the Republican procession was passing. I had never seen a Republican procession before, and up to that time had never heard a Republican speech. I was curious to hear everything that was to be said by the representative of either party, and especially by the Republican. I fell in behind the procession, which after awhile halted in front of the hotel where Mr. Lincoln was stopping.

There was much enthusiasm and much cheering as Mr. Lincoln appeared upon the balcony to say a few words of thanks. I saw him on two or three occasions during the day, but never again after that time. His sincere face, so full of tenderness and seeming sadness, made a deep and lasting impression upon me.

The debate that day between Mr. Lincoln and Senator Douglas took place in a public park, and the crowd that gathered there was immense. Douglas was short in stature but a great orator. Lincoln was tall, ungainly-looking, with a bronzed face, a voice not near so charming as that of his opponent, but his

power as a logical and convincing debater, in my opinion, surpassed that of Mr. Douglas. I was only twenty years old at the time and my sympathies were with Mr. Douglas, but the logical reasoning of Mr. Lincoln shook my faith in the correctness of Mr. Douglas's position.

After the debate was over, I took the "down boat" for home. I heard Mr. Douglas once after that, but never saw or heard Mr. Lincoln again. The debate at Quincy was one of a series planned and agreed upon by the two. Douglas was the Democratic candidate for the United States Senate and Mr. Lincoln was his Republican opponent. The Legislature at that time chose the senator, and at the election in November a majority of three Democrats, I think, was elected to the Legislature. Mr. Douglas was chosen senator for another six years and Mr. Lincoln returned to Springfield and resumed the practice of law.

These debates resulted not only in the nomination of Douglas for President by a part of the Democratic party in 1860, but in the nomination by the Republicans of Mr. Lincoln for the Presidency, and his election in November of that year.

Within the ten days preceding the election on the 5th day of November, I visited many places in each of the five counties of the circuit "electioneering," as I was running for Circuit Attorney. These trips were made altogether on the back of a faithful horse named Sam that my mother had permitted me to use for many years. He was a fine saddle-horse and could gallop for many miles without seeming to tire.

Within these ten days I rode more than two hundred miles.

On Sunday night before the election, I stayed near Williamsburg, Callaway County, with a man by the name of Hobson. He was the father of five sons, all of whom were of age. He with the five sons were ardent "Douglas men." I had never been in Callaway County, but was careful to take letters of introduction from Honorable John B. Henderson to prominent men there. I took one to Mr. Hobson which seemed to satisfy him that I was the proper person to vote for for Circuit Attorney. He and his sons were very active for me at the election in the town of Williamsburg. In the same place was a merchant by the name of Woodlin. He had been an old Whig but was supporting for President, John Bell of Tennessee. Mr. Woodlin had previously lived in Warren County and was a warm friend of my brother George and his family. I called on him and he at once promised to "rally" the Bell men to my support, which he did. At this precinct I beat my chief opponent, Colonel Minor, more than three to one.

From Williamsburg, I rode on to Fulton, the county seat of Callaway County, arriving there about noon on the day before the election. I was a perfect stranger in the place but managed to find a few young friends who were there at school. These formed a sort of nucleus for a meeting at the court house that night. I also had letters to William Harrison and Daniel Tucker, prominent Douglas men in Fulton. They managed to get up quite a respectable meeting

at the court house and arranged a joint discussion between a young fellow about my age, named McIntyre, and myself. He was an ardent supporter of Bell and Everett. We both spoke. At this precinct I was quite successful the next day and received a large plurality over my opponents.

I left Fulton late in the afternoon on my return to the lower part of the district, passing through Williamsburg on my way back to Hobson's, and learned the result of the poll at that place. I stayed that night at Hobson's. The next morning, Wednesday, I rode on down the Boon's Lick Road to Danville, and stopped to get the returns of the election in Montgomery County. About noon of that day I rode to New Florence, a distance of four miles, for the purpose of taking a train down to Warrenton, where the Circuit Court was in session and where my chief opponent was for the time being engaged. At New Florence I took the saddle and bridle off of faithful old Sam and tied a card in his mane, saying, "Let him go — D. P. Dyer," and turned him loose.

This place was about twenty-five miles west of my mother's farm in Lincoln County. The next morning she discovered the horse in the cornfield "helping himself."

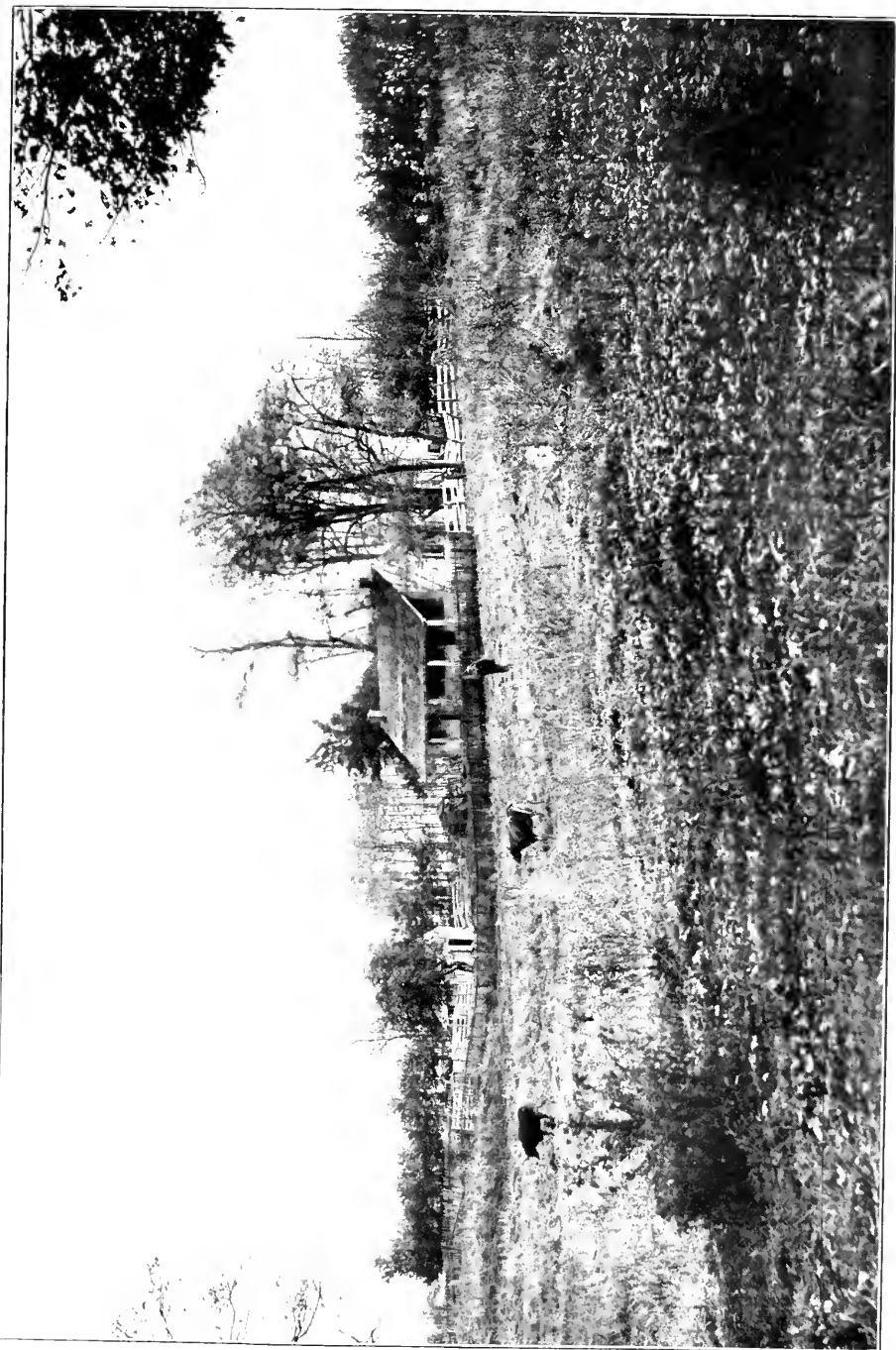
The train came along shortly after this and I went on to Warrenton. Here I met Colonel Minor, my opponent, compared notes, and found that I had been elected Circuit Attorney for the 3d Circuit by less than three hundred votes. The most gratifying circumstance attending that election was the vote cast in Clark Township, Lincoln County. It was here that my father settled in 1841 and it was here

that I went to school when a boy. The poll showed 125 votes cast in the precinct, of which I received 125.

I went from Warrenton to see my mother and remained with her until the 14th of November. On that day I went to St. Louis and took a boat, the *Rob Roy*, for Louisiana, Missouri, where I was to be married the following day. The boat arrived at Louisiana about sunrise the morning of the 15th. Here I found my sweetheart waiting for me on the porch of the residence of Dr. W. C. Hardin, her uncle. Her father, Judge Ezra Hunt, had, in September before, suddenly died at Troy, while there attending a term of the Circuit Court. This necessitated a change at Bowling Green and it was determined that the wedding should take place in Louisiana at the residence of her uncle and aunt, Doctor and Mrs. William C. Hardin.

After the death of Judge Hunt, I bought of Doctor William Bolton two acres of ground with a one-story log and frame building containing four rooms and an outbuilding of one room for servants, situated in the eastern part of Bowling Green opposite the late residence of Champ Clark, for the sum of \$700.00. Part of the furniture used by the family of Judge Hunt was removed to this house and there placed in position by myself and my intended bride in October. Thus it was that everything was in readiness for our future home.

The fifteenth of November, our wedding day, was the most charming of any day in the year. The sky was clear, the air balmy, and for once at least it could be truly said that it was a "beautiful Indian-summer day." After breakfast that morning, I drove to



THE FIRST HOME OF MR. AND MRS. DYER AT BOWLING GREEN, MISSOURI

Bowling Green and returned to Louisiana that evening to be married. At 7:30 Lizzie Chambers Hunt and I were joined in marriage by the Reverend John T. Worthington, rector of the Episcopal Church at that place. The wedding party that attended the bride and groom was composed of Misses Sallie Block, Ella Porter, Maria and Louise Hardin, Robert A. Campbell, William McCormick, Righter Levering, and William R. Hardin. Shortly after that time, Sallie Block was married to William McCormick and Ella Porter to Righter Levering.

It has now been sixty-one years since the day my marriage took place. All of those composing the wedding party except Robert A. Campbell, Louise Hardin Pratt, and myself, have passed into the great beyond. Mr. Campbell is now in his 90th, Mrs. Pratt in her 82d, and I in my 84th year.

The evening after we were married, my wife and I took the boat, Rob Roy, on her return trip to St. Louis, for a visit to my mother in Lincoln County. On our way we stopped over at St. Charles from Saturday, the 17th, to Monday, the 19th, and had a visit with Judge and Mrs. W. W. Edwards, the latter being an elder sister of my wife. On Monday we proceeded to the farm in Lincoln County and there remained with my mother until the following Thursday.

She took the course usually observed in her day, of preparing something for the comfort of new beginners at housekeeping. She engaged a neighbor, with a wagon and team, to make a trip to Bowling Green. Promptly on the morning specified, he appeared and took on his load, consisting of two

hundred pounds of hams and sides, two hundred pounds of flour, two hundred pounds of cornmeal, forty pounds of lard, one quarter of beef, and a feather bed. To all this was added a negro woman, Rachel, and her three children, all of whom were slaves. Rachel's husband, a man by the name of Ambrose who belonged to Doctor Henry C. Wright, was permitted to accompany his wife and children to Bowling Green. These altogether made a pretty fair wagonload.

My wife and I took an old buggy drawn by faithful old Sam, and we all started early Thursday morning for Bowling Green, a distance of thirty-five miles. Shortly after starting it began to snow and so continued all day. The roads were heavy and we did not reach the end of our journey until it was dark. The negroes went to the little house in the yard of the place I had bought, and there remained during the night. My wife and I staid at Blain's Hotel, and the next morning, bright and early, we went to our own house, built fires, and began housekeeping.

I prevailed upon my friend, Doctor Stephen J. Reynolds of Bowling Green, to hire Ambrose from Doctor Wright for the ensuing year, so that Ambrose and his wife and children could be close to each other. On the day after our arrival we were joined by my wife's mother and little sister. My wife's brother, Levi Pettibone Hunt, was temporarily at school at St. Charles. Thus it was that the family was formed and continued until death removed Mrs. Hunt.

Toward the end of November I received my commission as Circuit Attorney for the 3d Judicial Circuit. The first term of the Circuit Court for the trial

of a criminal cause was held at Danville, Montgomery County, on the first Monday in December. I rode across the country on horseback to Danville and prosecuted a man for malicious mischief. The accused was at outs with a neighbor of his, and out of revenge for a real or supposed grievance, cut out the tongue of a mule belonging to his supposed enemy. The defendant was defended by General Jeff Jones and Henry C. Hayden of Callaway County. After a trial lasting a couple of days the defendant was convicted and sentenced to the penitentiary for two years.

VI

THE VOLCANO RUMBLES

Missouri State Convention of 1861—Secession Debated—Camp Jackson—Lincoln Inaugurated—Frank P. Blair, Jr.—Incompetence of Fremont—Appointed Lieutenant of Home Guards—Amusing Incidents of the Time.

At this time the country was in an uproar over the election of Abraham Lincoln and threats of disunion were heard on every side. The Legislature of the State in January passed an act authorizing an election of delegates to a State Convention, ostensibly to take into consideration the relation of the State to the Federal Government, but in reality for the purpose of passing an ordinance of secession. The election was to be held in February, 1861. The number of delegates to be elected was three from each Senatorial District in the State.

Sentiment was very much divided and the bitterness engendered was most pronounced. There were unconditional Union men, conditional Union men, secessionists and semi-secessionists. The members of the Legislature that passed the act calling the convention were strongly pro-slavery, and it was their purpose to control the election of delegates and thus secure the passage of an ordinance uniting the for-

tunes of Missouri with the more southern States. The Union men from all parts of the State enthusiastically rallied, and elected a majority of the delegates. Never in the history of the State had there been gathered together in a legislative body men of such great ability as composed that convention.

In the Pike County District the leader of the Union forces was John B. Henderson, while Aylett H. Buckner, then judge of the Circuit Court, was the leader of the disunionists. Henderson and his associates (Calhoun of Audrain and Zimmerman of Lincoln) were elected by a large majority. From other parts of the State came their greatest men. Hamilton R. Gamble, James O. Broadhead, Samuel M. Breckenridge, Uriel Wright of St. Louis, Sterling Price of Chariton, William A. Hall of Randolph, Willard P. Hall of Buchanan, John F. Philips of Pettis, A. W. Doniphan of Clay, Joseph J. Gravelly of Cedar, Robert M. Stewart of Buchanan, and John T. Redd of Marion were some of the men elected to that Convention which met at Jefferson City on the 28th day of February, 1861.

The Legislature that called it into existence was also in session and continued to pass bills of a treasonable character, among which was one known as the "Jackson Military Bill" providing for the enrollment of all white male citizens of the State between the ages of eighteen and forty-five years. Provision was made for the appointment of enrolling officers, etc. This bill provided for an oath to be administered to each enrolled militiaman to support the Constitution of the State and obey orders of the com-

mander-in-chief, Claiborne F. Jackson, then Governor of the State, but no mention was made of the Constitution and laws of the United States.

All of this was being done before Mr. Lincoln was inaugurated and while the Southerners in President Buchanan's cabinet had absolute control of the Army and Navy. During this time the Union men of the State began to organize companies and regiments of what was then called "Home Guards." They had only such arms as were owned by individual members, such as shot-guns, squirrel rifles, with now and then an old "horse pistol" that was worthless except for the noise it made.

A semblance of order was maintained in the State for a while. The courts were in session, trials of causes held, etc. I attended the courts in my circuit, presented cases to the Grand Juries and tried quite a number of persons that were indicted. While the courts were in session, the people were busy organizing for what seemed, and subsequently was shown to be, an inevitable conflict. The citizenship of Pike County was made up largely of Virginians and Kentuckians. The very active participants on either side were chiefly Virginians. The most prominent on the Union side was John B. Henderson who was born in Pittsylvania County, Virginia. The most prominent and aggressive on the disunion side was Judge Aylett H. Buckner, also a Virginian by birth. The contest took the appearance of a "family row" and was very, *very* bitter.

During its session in Jefferson City, the Legislature was visited by one or more emissaries from the South, notably one from the State of Mississippi.

They came as accredited representatives of their respective States, and as such were received by the General Assembly in joint session of the two houses. The purpose of the visit was to lay such facts before the Legislature as would induce it to pass an act in favor of secession.

The Convention after being in session for sometime, adjourned to meet in the city of St. Louis. The Legislature remained in session at Jefferson City and continued to pass bills that were in every way hostile to the sentiment of the people as expressed in the election of delegates to the Convention.

State after State in the South passed ordinances of secession and established temporary governments. The Governor of the State of Missouri was in close touch with the southern program and was heart and soul a part of it. He ordered the assemblage of the militia at St. Louis under the command of General Frost who resigned from the army of the United States sometime before. This camp was given the name of the Governor, and became known as Camp Jackson. Secessionists from all parts of the State came to this camp and were present aiding and assisting in the organization and drilling of this militia. The men had been armed with guns taken from the United States Arsenal at Baton Rouge, Louisiana, and shipped to St. Louis on the Steamer Swan; this, of course, all done with the knowledge of the Secretary of War in Mr. Buchanan's cabinet.

When Mr. Lincoln was inaugurated in March, 1861, the policy of the Administration was changed. At that time the active, aggressive leader of the Union men in Missouri was Frank P. Blair, Jr. He was

supported locally by such men as James O. Broadhead, Samuel T. Glover, Samuel M. Breckenridge, John How and others, and, of course, had the friendship and support of the Union men in the Convention. By authority of President Lincoln, Blair organized a regiment of loyalists and became their Colonel.

Like organizations were made throughout the State and sworn into the service of the United States. These regiments were composed very largely of Germans, while the regiments of militia at Camp Jackson were made up of Southerners who were opposed to Mr. Lincoln and believed in the right of the State to secede from the Union. Recruiting and drilling were carried on in each camp. The feeling between them became very bitter and a conflict seemed inevitable. At this time there was a small garrison of Federal troops at Jefferson Barracks, commanded by a slight, red-headed Captain by the name of Nathaniel Lyon who was born in the State of Connecticut. He was every inch a soldier, and loyal to the flag of the United States. He and Blair conferred, and at this conference it was determined that a movement against Camp Jackson should be made with the soldiers at Jefferson Barracks and the regiments of volunteers. On the morning of the 10th of May, 1861, the assault took place and the entire State force was captured and made prisoner. This was the culmination of what at all times seemed imminent, a conflict between the two.

Men hastily took sides, and those who claimed to be Union men with conditions, went with the secessionists. Members of this kind in the State Con-

vention resigned, notably ex-Governor Price, who became a Major General in the Confederate Army.

The taking of Camp Jackson brought matters to a focus. The people of the State were everywhere in a frenzy, the secessionists for what they termed a "dastardly outrage" upon the rights of the State, and the loyalists for what to them was a glorious achievement in the cause of the Union. The State Government became greatly alarmed and by its agents sought conferences with Blair and Lyon at St. Louis. In this they accomplished nothing, for the result was that the Governor and other State officers fled from the capital and it was occupied by Federal troops.

The Convention met in session and passed an ordinance deposing Jackson as Governor, and elected Hamilton R. Gamble in his place. This gentleman at once assumed his duties. From that time on conflicts occurred between Federal and State troops and battles were fought. Sterling Price was appointed by Jackson to command the "State troops," the companies theretofore organized under the direction of Jackson. These troops retreated toward the southwestern part of the State, and being reinforced by companies from Arkansas and the Indian Territory made a stand a few miles south of Springfield, Missouri, giving battle to the Federal troops under command of Lyon, who had been promoted from Captain to that of Brigadier-General by President Lincoln.

The battle was a hard-fought one, the hardest that had taken place in the State. General Lyon was killed while leading a charge upon the enemy and his

loss was deeply and keenly felt by the Unionists of the State. The battle was not decisive. The Union army, after the death of Lyon, fell back to Springfield but the troops opposing it did not follow. It was practically a "drawn battle."

The State Convention remained in existence and continued, when in session, to enact laws. The military forces were in constant clash and some important battles were fought in different parts, notably at Lexington and other places in the middle and western part of the State. The Union forces continued to drive the Jackson State forces toward the south. At Wilson's Creek, south of Springfield, in Greene County, the fleeing troops reinforced by companies from Arkansas made a stand and a terrific battle was fought, with no advantage to either side as mentioned above.

John C. Fremont had command of all the Federal forces in Missouri, with his headquarters in St. Louis. His utter incompetency and failure to reinforce the army in command of General Lyon was the cause of the disaster, if such it may be called, at Springfield. Had he moved the troops, then stationed at Rolla under the command of Colonel John D. Stevenson, to the aid of Lyon, an overwhelming victory would have resulted and possibly the life of Lyon saved. Fremont certainly was the most stupendous failure of the war.

Stevenson came to St. Louis from Rolla to urge upon Fremont the importance of ordering his (Stevenson's) command to Springfield, but it was not until the second day after his arrival that he could get by the guards into Fremont's room. He received

no encouragement whatever. The statement of this visit I learned from the lips of Stevenson himself. During all of this time a semblance of civil government was maintained. The courts in many parts of the State were kept open. Home Guards were voluntary military organizations enrolled into companies, electing their own officers and aiding as best they could government authority.

In Pike County this organization was quite large, and was continually on duty, with its principal headquarters at Louisiana. As heretofore stated, I was the State's Attorney, having been elected in November, 1860, for a term of four years. In July of that year I addressed a letter to Aylett H. Buckner, the Judge of the Circuit Court, to ascertain whether he would hold the ensuing September term of court at Bowling Green. He answered as follows:

Sir:

I will hold the September Term of the Pike Circuit Court *provided* the illegal and unauthorized organization known as the Home Guard, is disbanded or put into the actual service of the Lincoln government. In no event will any civil case be tried.

This letter shows where he stood, what he thought of the Home Guards, and what little respect he had for the Government of the United States. The term of court was not held and the Judge himself fled the country.

John B. Henderson was appointed Brigadier-General of the militia, including the Home Guards, by Governor Gamble. He was, therefore, in command of all the volunteer forces in the county. I was liv-

ing at Bowling Green, the county seat, and was a Lieutenant in a company of Home Guards organized at that place with Jesse Hardin as Captain. Subsequently a regiment of "six months" men was organized in the county with Thomas J. C. Fagg as Colonel. Henderson was in command of this regiment as well as the other organizations that together made up a brigade. One company, known as "Rice's Company," was a sort of artillery squad with one field-piece, an ancient iron cannon that was more effective for noise than anything else. There was also a company of *engineers* (?) under the command of a man by the name of Woods who at one time was County Surveyor. The rank and file had no uniform, but what they lacked in this respect was made up by the gorgeous trappings of its officers, of which I was one. It was a motley crowd of soldiers, but they were loyal to the Old Flag and "their hearts beat as one."

The two senators from Missouri at Washington were Trusten Polk and Waldo P. Johnson. They were expelled from the Senate on account of disloyalty. John B. Henderson of Pike was appointed to one of the vacancies, Robert Wilson of Buchanan County to the other by Governor Gamble.

The first company of troops that came to Pike County regularly enlisted and sworn into the service for three years, belonged to the 1st Illinois Cavalry. This was commanded by Captain John McNulta of Bloomington, Illinois. It stopped for a day or two in Bowling Green and while there McNulta was a guest at my house. This company proceeded through the State and became a part of the command that

assembled at Lexington, Missouri, under the command of Colonel Mulligan. The battle that shortly ensued between the Federal forces under Mulligan and the overwhelming rebel forces under Price, was a fierce one. It resulted in Colonel Mulligan's surrender.

In this battle my brother, John S. Dyer, was a soldier in the rebel army. The prisoners taken were finally exchanged, and McNulta organized a regiment of Infantry and became its Colonel. I never saw McNulta from the time he was at my house in 1861 until I met him near Mobile, Alabama, in March, 1865, on the battle-field of Spanish Fort. He was the Colonel of an Illinois regiment and I was Colonel of a Missouri regiment. He belonged to a corps commanded by General Gordon Granger, and I to the 16th Corps commanded by General A. J. Smith. We met at the intersection of two roads. Neither of us knew of the presence of the other in the siege and battle. Both were elated, however, at the meeting and McNulta greeted me with great cordiality, saying, "Dyer, I have a pistol in this (right) holster and a bottle of whiskey in the other (left). Which will you take?" I had no hesitancy in deciding.

The Proceedings of the Convention generally covered the events that happened during its existence, that is, the changing phases of the times were fairly mirrored in its legislation. As before said, the membership of this Convention was made up of very able men, those that would have adorned any legislative body in the world. No greater men than some of these composed the Senate and House of Representatives at Washington. Hamilton R. Gamble, James

O. Broadhead, John B. Henderson, Willard P. Hall, William A. Hall, John F. Philips, Samuel M. Breckenridge, Thomas T. Gantt and Robert M. Stewart were possibly the leaders of the Convention, but the body as a whole was composed of men of brains and courage. All of them have gone to their reward.

The last one to go was the able lawyer, the gifted advocate and orator, the brave soldier, and the fearless and independent Judge, John Finis Philips. He died in March, 1919, of pneumonia, at the residence of his old friend, Colonel Fordyce, at Hot Springs, Arkansas, after an illness of forty-eight hours. He was in St. Louis on the Saturday and Sunday before his death. On Saturday evening at the Planters Hotel he delivered an address before the "Pike County Colony in St. Louis." This was in itself a master oration. He was eighty-four years old at the time, and the greatness, statesmanship and glory of his old associates of the Convention that saved and held Missouri firmly to her moorings in the Union, were beautifully reflected in the kindly, gentle face and eloquent speech of him who was the last surviving member. Those of the present generation of men and women know but little of the debt they are under to him and his associates. If in a modest way some of their acts are recorded here, that they may be of benefit to those who are to come, then the labor of preparing them will not prove altogether worthless.

Many ludicrous and amusing incidents occurred in Pike County in the early stages of the conflict. A few of these I have tried to remember.

The only time during the war that an attempt was

made at Louisiana to raise a rebel flag, occurred in May of 1861. Spence Norvelle, a Virginian by birth, kept a saloon on the corner of Water and Georgia streets. He was a noisy secessionist and concluded he would hoist a rebel flag in front of his saloon. He ran it up on a pole, and a large crowd of infuriated Union men gathered around it determined to pull it down. Norvelle, who spoke the Virginia *vernacular* well, said, "You may *tar* my shirt, you may *tar* my *har*, but you can't *tar* that flag!" At this juncture Bill Kingston hit him a blow under the burr of the ear that felled him to the ground. Further proceedings interested Spence no more. The flag was pulled down and destroyed, and no more attempts were ever made to raise a rebel flag in Pike County.

An amusing incident occurred at Spencersburg, Pike County, in 1861. General Porter, a secessionist, had organized quite a force in Lewis County for the confederacy and a company was organized in the southern part of Pike County to join Porter's troops. About the same time two or three companies of Home Guards came in Camp at Louisiana. As neither the rebels nor Union forces had uniforms, there was nothing to designate the "side" to which they belonged.

Information came to the Home Guards that the rebel company commanded by Col. Dorsey would pass through Spencersburg early the next morning, so two companies made a night march from Louisiana to Spencersburg to intercept Dorsey and his force. At sunrise the Union men came to the residence of Judge Woodson (formerly a County Judge) on the

outskirts of the town, who came to the door, looked carefully at the troops and mistaking them for Dorsey's rebel company, in a great voice said, "Hurrah for Jeff Davis!" Lieutenant Sam Scotten said to him, "Come out here, we are hunting for your kind." Woodson saw his mistake and said, appealingly, "Bless my soul, gentlemen, I thought it was t'other side."

Dorsey did not appear and so there was no conflict at Spencersburg.

William H. Biggs, now deceased, was at one time while I was a resident of Pike County, Missouri, a member of the law firm of Fagg, Dyer & Biggs. He was subsequently chosen Judge of the St. Louis Court of Appeals and for twelve years served with distinction in that capacity.

On one occasion I asked him for what reason he had gone into the confederate army. He said, "At the beginning of the war I was a boy residing with my father, George Biggs, on a farm about ten miles from the Mississippi river in Clark County, Missouri. Steamboats on the river carried mail, including the St. Louis papers. In May 1861, a neighbor of ours went to the river on business and stopped as he came back at our house. He was greatly excited and said to my father, 'George, what do you think old Lincoln has now done?' My father said he could not guess. 'Why,' said he, 'the d——d old rascal has suspended the writ of *habeas corpus*.' This greatly alarmed me and I went to the stables, bridled and saddled a mule and broke as hard as I could go for the southern army. I did not know what 'habeas

corpus' was and I was looking for it to overtake me before I could get to a place of safety." Biggs said that he was made a Sergeant of the company and a neighbor of his by the name of Guthrie, a Corporal. He said that he took orders from Guthrie for three months before he found out that a Corporal was inferior in rank to a Sergeant.

Another incident that occurred in Louisiana at the breaking out of the war was, to those who knew the parties, very amusing. E. G. McQuie was an old and successful merchant and extended credit to almost every one who asked it. He was a bitter and uncompromising secessionist, however, and had a great hatred for the Union men who had joined the Home Guards.

During the preceeding winter he had given credit to an Irishman by the name of Pat Burns for a half dozen "hickory shirts." Burns at the time was cutting cord wood on Salt River bottom and shipping it to Louisiana on a flat boat. He was a very short man and did not at his best present a very fine appearance. He joined a company of Home Guards called the "Salt River Tigers" which was armed with "Belgium muskets." The gun that Burns had was longer than himself and with a fixed bayonet on the end of it, at least two feet long, made Burns a formidable-looking soldier. With the gun on his shoulder he walked by McQuie's store. McQuie saw him coming and determined to humiliate him if he could. Said he, "Pat, hadn't you better pay for the hickory shirts I sold you?" Pat pointed the gun with the bayonet on the end toward McQuie and said, "You

d——d old rebel, if you ever mention hickory shirts to me again I will run this bayonet through you.”

This ended the controversy and Pat was not further disturbed.

Calhoun County, Illinois, is carved out of that portion of the State that lies in the fork of two rivers, Illinois and Mississippi. The topography of the county is very broken, consisting of great hills and deep ravines. It fronts west on the Mississippi River and opposite the lower part of Pike and the upper part of Lincoln counties, Missouri.

In 1861 the population of this section in a large measure consisted of an ignorant, uneducated class. The school-houses were scarce and the teachers employed were fair representatives of the parents of the children they taught. The vehicles used were carts and sleds and the motive power was oxen. These were also used in drawing the plows, the mould boards of which were made of wood. The inhabitants boasted of the fact that not a mile of railroad or a yard of telegraph wire was in use in the county, and they also boasted of the fact that no negro was permitted to live there. This was the character of the population in 1861 when the Civil War broke out. They were bitterly opposed to “old Abe Lincoln” and were in sympathy with the secessionists of Missouri. The topography of the county and the sympathy of its people made a safe refuge for the rebels of Missouri. This bit of history is necessary to fully appreciate the story I am going to tell about the “Hare-lip man.”

A year or two prior to 1861 a man by the name of

Williams settled in Calhoun County. He came there from the State of Michigan with a family, wife and three or four children. He was a Republican in politics while his neighbors were Democrats. He was greatly disfigured by a hare-lip but was a man of intelligence and keen discernment greatly appreciating the ludicrous. He enjoyed a joke and perpetrated many himself. The telling of stories by him, in a voice that was controlled by the hare-lip, was greatly enjoyed by all who listened.

He was asked what induced him to come to Calhoun County to live. He said that he had entered land in Michigan and had made a comfortable home there; that while on this farm he was approached and asked to subscribe money for the building of a railroad through that part of the State. He signed a contract to pay \$250.00 when the road was built. The road was built but no demand had been made upon him for the money. Finally a man came to the place and demanded possession, showing the contract, a judgment, and deed from a Master in Chancery. He said that he was so outraged that he determined to leave Michigan and go to a county where a railroad could not be built, and so he came to Calhoun County. He said that among the things he brought to the county, was a four-wheeled buggy, the first that was ever seen in the county. In speaking of the inhabitants at the time, he said, "*They followed me for miles and miles, trying to see the hind wheels catch up with the fore wheels.*"

At the beginning of the Civil War there lived at Bowling Green, Pike County, Missouri, a noisy secessionist by the name of John W. Buchanan. Buchanan

went aboard a steamboat at Louisiana bound for St. Louis. On the way down the boat landed at Hamburg in Calhoun County. Here the Hare-lip man came aboard, and no sooner had he reached the clerk's desk before Buchanan accosted him. He asked him where he lived and what was the politics of the people. Mr. Hare-lip answered by saying, "I live in Calhoun County, and if you had ever seen the people you never would have asked the question. They are Democrats, of course!"

He turned upon Buchanan and said, "You fellows are like the man who was in a deep well and wanted to be drawn out. He got into the bucket and when about half way up, he cried out and said to the man at the windlass, 'Draw faster or I will cut the d——d rope!' "

Later on many Missouri rebels took refuge in Calhoun County. They were supposed to be a menace to the steam boats that were plying the river between St. Louis, Keokuk, and St. Paul. The boat officers were continually on the watch as they passed along its shore.

John O. Roberts, who was one of the wealthiest men in Pike County, recently died in Clarksville, Pike County, Missouri. In 1861 he was a clerk on one of the boats of the St. Louis and Keokuk Line. His berth or bed was immediately under the clerk's desk in the office. He told a story of the Hare-lip man of Calhoun County that was very characteristic. On one of the trips up the river, the boat landed at Hamburg, Calhoun County, about midnight. Roberts was fast asleep under the desk. The Hare-lip man came aboard and proceeded to arouse the clerk by

severely pounding on the desk with the handle of a long, sharp knife about two feet in length, made for use in cutting up corn in the field. Roberts rolled out of bed, thinking that the boat had been captured by the rebels, and with trembling and fear faced the Hare-lip man, who, in a voice that can not be imitated here, said, "I want to go to Hannibal, and will you take this knife as security for my passage?" Robert said, "Certainly! certainly! Give me the knife!" The Hare-lip was a character in his way, and was always able to see the funny side.

In the seventies my old friend, Henry V. P. Block, a well-to-do farmer of Pike County, who was president of the Louisiana and Missouri River Railroad then under construction and now a part of the through line of the Chicago & Alton between Chicago and Kansas City, met the Hare-lip man while waiting for a train at Roodhouse. He accosted Block and wanted to know where he lived and whether he was not of Jewish descent. Block answered by saying, "I live in Louisiana, and am of Jewish descent, but what of that?" "Well," said Hare-lip, "if I come to Louisiana what will you sell me a suit of clothes for?" Block used to tell this story, and no one enjoyed it more than he.

I do not know what became of the Hare-lip man, but Calhoun County of today is greatly different from that of 1861. Now the population is most intelligent and the county itself is productive of great wealth. Barrels filled with the most delicious apples in the world are gathered and marketed each year, the old hills of the county are covered with the finest orchards and annually add to the wealth of its people.

VII

THE ERUPTION AND AFTER

Partnership with Senator Henderson at Louisiana—Elected to the Legislature—Slavery and Anti-Slavery in Politics—I Organize the 49th Missouri Infantry—Commissioned Colonel—The Centralia Massacre—The Siege of Mobile—Lincoln Anecdote—Jefferson City and Reconstruction—Secretary of the State Senate—The Drake Constitution.

In January, 1862, I removed from Bowling Green, the County Seat of Pike County, to Louisiana, the principal town of the county, and entered the law office of Honorable John B. Henderson, where I continued in discharge of my duties as States Attorney and the general practice of law as well. In the fall of that year, I became a candidate for the Legislature, and was elected in November.

The county was entitled to two representatives and my colleague was Benjamin P. Clifford, a well-to-do banker of Louisiana. This legislature, among other duties, was to elect two United States senators to succeed Henderson and Wilson, who had been appointed by Governor Gamble to fill the vacancies occasioned by the removal of Polk and Johnson. The terms for which senators were to be chosen were six and four years, respectively. Clifford and myself were warm friends and supporters of Henderson for

the long or six year term, but were not committed to any one for the short term.

When the legislature met in the following winter, it was soon discovered that it was divided into three factions of nearly equal strength. One party was composed of those who favored the *immediate* emancipation of the slaves in the State. This faction was designated as "Charcoals." Another party, of which Clifford and myself were members, was in favor of what was known as "gradual compensated emancipation." This was known as the "Claybank" faction. The third party was composed of those who were opposed to emancipation in any form. This faction was known as the "Snowflake." Each of these parties had its candidate. B. Gratz Brown of St. Louis represented the "Charcoals," John B. Henderson of Pike the "Claybanks," and John S. Phelps of Green the "Snowflakes." The contest was long and exciting and continued throughout the regular session and well into the second before two senators were chosen.

The legislature was composed of very competent men, and each party had able representatives. The most prominent perhaps of the Brown or "Charcoals" was George Smith of Caldwell; of the Henderson or "Claybanks", Senator George W. Anderson of Pike; and of the Phelps or "Snowflakes", John Wilson of Platte. It was generally understood that Henderson was the strongest candidate for the long term, and could command enough votes to elect for that term. The real contest seemed to be over the four year term. The voting for each had to be done separately.

This being the situation, the supporters of Brown and Phelps combined to elect for the short term first, and so supported a resolution to that effect. It was over the selection for this term that the contest waged. The friends of Henderson, that is, those who held control did not support at first either Brown or Phelps, but cast their votes for various other candidates, viz: Samuel T. Glover, James O. Broadhead, Samuel M. Breckenridge, and possibly one or two others. The deadlock was complete, and day after day the legislature in joint session failed to elect. A few of Henderson's friends held the balance. They were Senator Anderson of Pike, Representatives Bittinger of Buchanan, Poepping of St. Louis, Wommack of Lincoln, Sitton of Gasconade, and Clifford and myself of Pike. A meeting of these seven men was held at eleven o'clock one night when they determined to break the deadlock by voting for B. Gratz Brown for the short term. This action was not known outside of its members.

The next day when the roll was called, each and every one of the above voted for Brown, and he was duly elected for the short term. Immediately after the result was announced by Lieutenant Governor Hall, the presiding officer of the joint session, Smith of Caldwell, the leader of the Brown faction, nominated Henderson for the long term and he was elected by a good margin.

Thus ended one of the most exciting and interesting contests that ever took place in the State Legislature which had an able and distinguished membership. The Lieutenant Governor and presiding

officer of the Senate was Willard P. Hall of Buchanan, and the Speaker of the House of Representatives was Reverend M. Marvin of Henry County. John Wilson of Platte was an able lawyer. He was the father-in-law of Honorable E. H. Norton, who became the Chief Justice of the Supreme Court of the State, and the father of O. H. P. Wilson, who afterwards became the Speaker of the House of Representatives, and then a member of Congress. His grandson, Francis Wilson, was recently the United States Attorney for the Western District of Missouri.

John Wilson's colleague was a man by the name of Wolff. The only failing that Wolff had was in drinking too much whiskey now and then, and getting on "sprees" that lasted for several days. On one occasion he was absent, without leave, for some time and no one seemed to know where he was. Finally a report came that he had died quite suddenly in St. Joseph. The report was accepted as true and his colleague, Mr. Wilson, prepared resolutions of respect, etc., and introduced them in the House. The resolutions referred to the ability and worth of Mr. Wolff, and concluded by declaring that his death was a great loss to the State. In offering the resolutions, Mr. Wilson spoke most feelingly and eloquently of his friend, but just in the midst of the speech Wolff suddenly appeared at the door of the House. His presence was hailed with much delight and with vociferous applause. Mr. Wilson was greatly surprised and seemed quite nonplused. He looked at Wolff for a moment and then turning to the Speaker

said, "Mr. Speaker, I withdraw all I have said about my colleague; he is a d——d sight better man dead than he is alive."

There was among the House membership two or three who were distinguished, not for learning and scholarship, but for possessing good "horse sense." One of these was William Monks of Howell County. He formed a dislike for some reason or other to Charles P. Johnson, a member from the city of St. Louis. Johnson was a young man of great promise, afterwards becoming Lieutenant Governor of the State and its leading criminal lawyer. On one occasion he asked for a few days leave from the House to attend to some private business. Monks at once arose and said, "Mr. Speaker, let him go. If he had made his desires known we could have *spore* him several days ago." Monks was a great character and lived to be an old man, dying only a few years ago.

During the winter of 1862 and the year 1863, there was comparative peace in the State. The Union forces had affairs well in hand and had driven the rebels out. Courts were quite regularly held and order was generally maintained, although the people suffered now and then from marauding parties, especially in the southern parts.

The war continued with increased violence in other States and with varying success. In the early part of 1864, an additional and further call for troops was made from Washington. Missouri was required to furnish ten additional regiments of infantry to serve for one year. I was authorized to recruit and organize one of those regiments, thereafter known as the Forty-ninth Missouri Infantry. The head-

quarters of the organization was located at Warrenton, Warren County. This place was within ten miles of the farm upon which my father settled in 1841, the one where my boyhood days were spent. The recruiting was very rapid and in a marvelously short time the regiment was organized. The recruits came mostly from my Congressional District, the Ninth, only one company coming from another locality.

Company A was commanded by Captain William Colbert; Company B by Captain Norman Porter; Company C by Captain John F. Dierker; Company D by Captain George Smith; Company E by Captain John E. Ball; Company F by Captain Abraham Kempinsky; Company G by Captain Joseph Humphrey; Company H by Captain Jesse M. Gentry; Company I by Captain Louis Benecke and Company K by Captain Fred Grabenhorst. Nearly a full company was made up of boys who had gone to school to me in Lincoln and Warren counties. The officers and privates of this regiment were men of the highest character, and came from greatly respected families. Today not a single one of the above named captains is alive. Each of the companies had a first and second lieutenant; of the total number of lieutenants, only one survives, Second Lieutenant John J. Spencer of Company H. Nearly all, with a very few exceptions, of the privates are dead also. In the nature of things, it will not be long before the last survivor will join his comrades in the world beyond the clouds.

After the organization of the regiment, I was commissioned Colonel, Edwin Smart, Lieutenant Colonel, and Israel W. Stewart, Major. W. R. Hardin was

the First Adjutant. He retired on account of disability and was succeeded by William Lansdown. William D. Bush was the Quartermaster; he recently died at the age of ninety-four years. The companies were stationed in various counties of the State to preserve order and to protect the loyal people from attacks by various organizations of the enemy, then threatening further trouble, in co-operation with the invasion of the State by a large body of Confederate troops under the command of Major General Sterling Price.

A band of organized "guerrillas" under the command of a desperado named Bill Anderson, terrorized a great portion of North Missouri and committed some of the most fiendish crimes ever perpetrated by man—more fiendish than any ever committed by savage Indians. His raids extended as far east in North Missouri as Danville, the county seat of Montgomery County, where he burned the court house and other buildings and murdered in cold blood old and peaceable citizens.

At Centralia, in Boone County, he and his band captured a passenger train going north on the North Missouri, now the Wabash Railroad, and took therefrom many invalid federal soldiers on their way to homes in the north to recuperate, and killed them in the most brutal and fiendish way possible. Some of them were struck down on the railroad track and the engineer forced to drive his engine over their prostrate bodies. This occurred in the afternoon of the 24th day of September, 1864.

Two companies of my regiment were stationed at Mexico, Missouri, some fifteen miles east of Centralia.

I was in St. Charles that evening and about dark learned of the massacre. Through the aid of Isaac H. Sturgeon, the president of the North Missouri Railroad, I was furnished an engine with an engineer and fireman. Starting late at night on this engine I reached Mexico about daylight. In addition to the excitement caused by the war of bullets, there was intense feeling among the people growing out of the contest between Mr. Lincoln and General McClellan for the Presidency. The day of my arrival in Mexico was fixed as the "great rally day" for the supporters of McClellan, most of whom were in sympathy with the south. Here I met the Honorable James S. Rollins, who had come by stage from Columbia to Mexico via Centralia. The stage was stopped and searched by the Anderson band and Major Rollins, although a Union man, was permitted to pass on his plea (false, of course) that he was a preacher of the gospel.

Rollins told me in detail of the slaughter of the Union soldiers at Centralia, but entreated me not to allow my soldiers (who were then going into two box cars to be taken to Centralia) to burn the town as the citizens there were in no way responsible. I gave him assurance that his request would be complied with as far as it was in my power. With an engine and two box cars I started with Company C, Captain John F. Dierker, to recover the bodies of the slain invalid soldiers. The men were in the cars properly armed and I took my place in the cab of the engine.

We had not gone more than seven or eight miles when the engineer discovered a woman standing on the track some distance ahead, and frantically wav-

ing her apron as a signal to stop. I ordered the engine stopped and the woman said to me, "For God's sake, don't go any further, Anderson's gang has killed Major Johnston and all of his men."

I did not believe the story and so went on to Centralia. There I found but one man to approach me; his name was Singleton. He told me that after the slaughter of the invalid soldiers, Major Johnston with a company of State Militia had come to Centralia in pursuit of Anderson and his band. Johnston's command was mounted on unbroken horses taken from the farmers in Ralls and Monroe counties, some of them being mares with colts following them. Johnston pursued the marauders beyond the village of Centralia and found them gathered in a line near a wood. Here they stood until Johnston and his company delivered a fire that at once put his horses in a panic. Seeing the confused line and before the men could reload their muskets, the Anderson gang charged and killed every one except two of Johnston's command, who happened to be mounted on fast horses and thus escaped. After slaying Johnston and his men, the fiends mutilated the bodies in a way most horrible to relate.

Learning from Singleton the facts I have above described, I did not with the small force at my command attempt to follow the enemy on foot. I took the murdered soldiers in Centralia to Mexico, where they were buried in one long ditch. The bodies of Johnston's troops were buried by the Ninth Cavalry.

The rebels retreated south and crossed the Missouri River, from whence they made their way to the forces commanded by General Price, then invad-

ing the State through the southeastern portion. These forces were practically unresisted until they reached Pilot Knob, where the Federals under the command of Ewing and Fletcher gave battle. The Confederates under Price and Marmaduke greatly outnumbered the Union men and compelled the retreat of the latter. The invaders did not come nearer St. Louis but went in the direction of Jefferson City. In the meantime, all available federal troops in the State, including my regiment, were hurried forward to Jefferson City to protect and save the Capital. These troops came from various sections and comprised a regiment under the command of Colonel John F. Philips, others under General John B. Sanborn, and still others under the command of General E. B. Brown, General John McNeil, Colonel Joseph J. Gravelly, and Colonel B. F. Lazear.

The confederates crossed Mauro Creek some three or four miles south of the Capital, deployed skirmishers, and marched in force toward the city. Here the number of federal troops seemed to deter them from a serious assault. Instead, they avoided the city and retreated, beating their way west in the direction of Kansas City. They were followed vigorously by the Federal Cavalry and engaged from time to time on their retreat from the State into Arkansas, the Federal Infantry also being used in repairing bridges, rebuilding railroads, etc.

After the failure of Price's invasion, comparative order and quiet was restored throughout the State.

The re-election of Mr. Lincoln as President and the election of Thomas C. Fletcher as Governor of Missouri, took place in November. General Grant

was pushing with energy the forces under General Lee in Virginia, and the western armies with renewed vigor were making their way down through Tennessee, Alabama and Georgia. While away from home in command of my regiment, the republicans of Pike County at the November election re-elected me as a member of the State Legislature. My colleague from that County was Doctor Stephen J. Reynolds of Bowling Green. When the legislature met, I obtained a furlough and for a time attended its sessions. Thomas C. Fletcher was duly inaugurated as Governor.

In January 1865, I received orders to take my regiment south and to report at New Orleans to General E. R. S. Canby. I went aboard the steamer "Diana" at St. Louis, and after a week's time reached my destination and reported. My regiment was then assigned to the Sixteenth Army Corps commanded by General A. J. Smith.

After remaining in and about New Orleans for ten days, I was ordered to go aboard a steamboat named the "Laurel Hill" and proceed to the entrance of Mobile Bay. Here in good time I arrived at Fort Gaines. Further preparation was there made for an advance upon the city of Mobile. The army composed of the Sixteenth Corps under command of General Smith, the Thirteenth Corps under General Gordon Granger, the Ninth under General Steel (this corps being composed of colored troops), and all under the command of Major General E. R. S. Canby, proceeded to invest Spanish Fort and Fort Blakely on the east side of Mobile Bay. These two forts comprised the main defenses of the city. The

siege was made on the twenty-seventh day of March, 1865. After a bombardment and battle that lasted for several days, Spanish Fort was evacuated, and two days later the garrison at Blakely surrendered.

Among the prisoners taken at Blakely were many Missourians, notably General Francis M. Cockrell, afterwards a Senator of the State, Colonel Gates, later State Treasurer of Missouri; Colonel Thomas C. Carter, an old neighbor of mine in Lincoln County; George Walker, an old acquaintance of St. Charles County, and others.

The city of Mobile surrendered to federal control and was occupied by a part of the Thirteenth Corps.

The Sixteenth Corps (General Smith) was ordered to proceed overland to the city of Montgomery, the capital of Alabama and the first capital of the Confederacy. Steel's corps went on boats up the Alabama River to Montgomery. At Greenville, we first had news of the surrender at Appomatox Court House of the Army of General Lee to General Grant. Shortly after this we learned of the assassination of President Lincoln.

On the march from Mobile to Montgomery, I was taken quite ill with malaria fever and it was some time before I was able to avail myself of a sick leave and return to Missouri. I left Montgomery on a steamboat and went down the Alabama to Mobile, from which point I went to New Orleans and took the steamer "Mississippi" for St. Louis. After remaining at home for a month I returned to Montgomery and received orders to take my regiment to Vicksburg to be mustered out. This was in the latter half of July. At the same time, Colonel Sam Holmes

commanding another Missouri regiment, received a similar order. It then became a race as to which should get home first.

The facilities for getting across the country to Vicksburg were very poor, but such as they were I succeeded in moving ahead of Holmes. From the Big Black into Vicksburg I went in advance of my regiment. Here I found General Henry W. Slocum in command. I asked him to change my order and let me proceed to St. Louis for muster out. This he granted and I at once applied to the Quartermaster for transportation on the river. When I reached the office of the Quartermaster it was quite late at night, but I found the Chief Clerk in charge. This man's name was Kretchmar.

He was a son of Christian Kretchmar, who had been clerk of the Criminal Court at St. Louis for several years. When he found out who I was he seemed to be greatly pleased, and said he would give me the first boat up the river. He spoke of what he termed a great favor shown his father when I was a member of the legislature. This had reference to a bill reported by me for the relief of his father as clerk in some matter that had escaped my memory. However, I got the order and went to a hotel for the rest of the night. The next morning about ten o'clock the smoke from the steamer "Henry Von Phul" was seen, and shortly after the boat landed at Vicksburg. About this time a train, running between the Big Black and Vicksburg, came in with my regiment aboard. It took but a little while to change from train to boat and by noon we were well under way.

We left Holmes and his regiment far in the rear and reached St. Louis a week in advance.

Here we were mustered out of the service on the fifth of August. All were glad to get home and the only regret expressed was for the seventy comrades that were left asleep in the soil of Alabama.

I returned to my home in Louisiana and again resumed the practice of law.

In all the undertakings of life there is a sad side and a happy one. Fortunate indeed is the man who can appreciate a good story and laugh at its telling. Shortly before the death of Mr. Lincoln at the hands of an assassin, my friends, Senator Henderson and Representative Robert T. Van Horn of Jackson County, called at the White House and talked with him. In the course of the conversation Senator Henderson (as I was told) said, "Mr. President, now that the war is about over and no further prospect of serious fighting, Mr. Van Horn and I came to ask you to appoint a young Missouri Colonel, now serving in Alabama, a Brigadier General; this Colonel is David Patterson Dyer." Mr. Lincoln made some inquiries about me and then said, "The name of Dyer reminds me of an incident that happened in the State of Illinois when the first railroads were being built. One of these roads ran through a tract of land owned by a man named Dyer. It was decided to locate a depot on the land and to map out a town. The first question that came up was to find a name for the town. Various suggestions were made as to name but none seemed to suit until it was finally with much unanimity, agreed to call the town 'Diarrhea.'"

This was as near as I came to being a Brigadier General. When Mr. Henderson told me what had taken place, I said, "The story is worth more than a commission."

The legislature met in an adjourned session at Jefferson City, in December 1865, and continued in session until March 1866, when I resumed my seat as a representative from Pike County. Thomas C. Fletcher was the Governor, George Smith of Caldwell County the Lieutenant Governor and President of the Senate.

Governor and Mrs. Fletcher entertained most liberally. The Mansion was the mecca for the young and old at the Capitol. His immediate family consisted of Mrs. Fletcher, Miss Honey (Mrs. Fletcher's maiden sister), a young son named Edward and a daughter Ella. Miss Ella was about fifteen years old and a most beautiful girl. She had a young friend about her age, Miss Julia Vogdes, a daughter of Major and Mrs. A. S. Vogdes. Major Vogdes was employed in the Adjutant General's office. These two were inseparable friends and were constantly together at the Governor's Mansion. They were sweet, beautiful girls and were loved and admired by all who came in contact with them.

Frequent balls were given at the Mansion and not only members of the legislature and other officers with their wives attended, but the best men and women of the City of Jefferson and other localities were most frequently present. The young women made a charming group and would compare favorably with the most beautiful in the State. Two sisters, Misses Fannie and Tessie Lathrop of Columbia, Missouri,

daughters of President Lathrop of the State University, were frequent guests of Governor and Mrs. Fletcher and were greatly admired. These two women are sisters of Mr. Gardner Lathrop, at present the distinguished solicitor of the Santa Fe Railroad with headquarters in Chicago. Miss Fannie married a son of Governor Smith and Miss Tessie married Professor Ripley of the State University. Miss Ella Fletcher several years later married Perry Bartholow, and Miss Julia Vogdes married George D. Reynolds, Esq., who for many years served with great distinction on the bench of the St. Louis Court of Appeals. He died recently while in that service.

In addition to these young women there were many more who attended the balls at the Mansion—notably Miss Mollie Siebert, a niece of Mrs. Thomas L. Price, Miss Gussie Thompson of St. Louis, the Misses Bolton, Lansdown, McCarty, and other residents of Jefferson City. Although these gatherings were in the very shadow of the civil strife that had waged in the State for four long years, they went far toward removing and obliterating the passions and animosities of the period and served to give hope for the then not promising future.

Not until the last man who figured in State affairs at that time is dead, will the warmth and hospitality of the old McCarty Hotel kept by Burr McCarty, a southern sympathizer, be forgotten. It was the home of Broadhead, Vest, Philips, Brown, Sturgeon, Orrick, Bittinger, Van Horn, Craig, Rhea, Ridgely, Anderson, Thompson, Kayser, myself and others, when we had occasion to visit the State Capital. Of all those men named I am the only one that survives.

If it were possible to give the happenings at that old hotel, the stories told, the reminiscences recited, the sharp reparté, the dances, and the *games* indulged in, these would make an interesting volume. It can not be possible—at least, let us so hope—that these old friends shall not meet and know each other in the great hereafter.

The State Constitution, formulated and adopted in 1865 and popularly known as the “Drake Constitution,” became the subject of bitter and acrimonious discussion throughout the State during the summer and fall of 1866. The provisions that attracted the most debate and against which the severest criticisms were leveled, were those prescribing the qualification of voters, lawyers and ministers of the gospel. These provisions, contained in Section III of the Drake constitution, became not only the subject of bitter denunciation by public speakers but also the basis for court proceedings. All of these were attacked on the ground that they were in conflict with provisions of the Federal Constitution and therefore unconstitutional and void. The contentions were in part upheld, especially those relating to ministers of the gospel and lawyers. The provision presenting the qualification of voters was upheld by the Supreme Court of the United States. That is, the decision of the State Court upholding that provision was affirmed by the Supreme Court of the United States in an opinion where the Justices were evenly divided.

In November of that year, I was again a candidate for the State Legislature from the County of Pike but was defeated by Thomas J. Forgey. When the

legislature met in the following December, I was chosen Secretary of the State Senate. In this capacity I served during the winters of 1866-7 and 1867-8. Sessions were held each year.

One provision in the Constitution of 1865 vacated certain offices in the State and authorized the Governor (Governor Fletcher, a republican) to fill the vacancies. This provision was severely attacked also and had the effect of alienating many republicans in the State. The Governor removed many judges of the Supreme and Circuit Courts who had been elected in 1864. The judges so removed were democrats (so-called) who had supported McClellan against Lincoln in 1864 for the presidency. Honorable Thomas J. C. Fagg of Pike County, a republican, was elected Judge of the Pike Circuit embracing Pike, Lincoln, Warren and Montgomery.

Honorable Gilchrist Porter of Hannibal, Marion County, was chosen Judge of that Circuit without opposition, at the same election. He had supported McClellan against Lincoln. He always professed to be a Union man, but had opposed the emancipation of slaves. He was removed and John I. Campbell of Hannibal, was appointed in his place. After this the Governor promoted Judge Fagg to the Supreme Court of the State. This, of course, left a vacancy to be filled in the Pike Circuit. Porter at one time resided in Pike County, and in 1852 and 1854 represented the district in Congress. I knew him well. He was not only a good lawyer and a good judge, but absolutely clean and upright as a citizen.

The day after Judge Fagg was appointed to the Supreme Court, I received a letter from Judge Por-

ter (I was then in Jefferson City) saying that he would be glad to accept the Judgeship of the Pike Circuit made vacant by the promotion of Judge Fagg. Upon receipt of the letter, I at once went to the office of the Governor and asked him to appoint Judge Porter to the vacancy. After some little hesitation upon his part, he ordered the Secretary of State to issue a commission in accordance with my request. I had the great pleasure of sending the commission by return mail. He served that judicial district for more than twenty years, successively elected three times without opposition.

In the Senate of which I was secretary, there were many very able men; William P. Harrison of Marion, W. B. Adams of Montgomery, Frederick Muench of Warren, John B. Clark, sen., of Dadel, Samuel W. Headlee of Green, John S. Cavender of St. Louis, Filler of Lawrence, Reed of Randolph, Ridgely and Rhea of St. Louis, and others. Many important laws were enacted during the two sessions of that legislature.

Filler of Lawrence was much interested in the passage of a bill that he had introduced, prohibiting the driving of Texas cattle through the State. He claimed that the "Texas fever" was communicated to local herds by those coming into the State from Texas. Section three of the bill provided that it should be the duty of the sheriff to notify the owners of the Texas cattle to take them back out of the State over the road that they had been travelled. If the owner refused to obey the sheriff was to summon a posse and kill the cattle, etc. The bill was being considered

section by section; the third section was agreed to and the remaining parts were taken up in their order.

Senator Adams of Montgomery, who was the recognized wag of the Senate, arose when the fifth section was being considered and offered an amendment to the third section, saying it was only done to perfect the sense of the same. His amendment was "insert after the word cattle in the last line, the words *and drivers.*" Filler, a slow plodding senator, accepted the amendment. The secretary was then asked to read the section as amended, when he read, "It shall be the duty of the posse to kill the cattle *and the drivers.*" Great hilarity was indulged in at the expense of Senator Filler. It was some time before the tangle could be straightened out.

It was during the winter of 1866 and 1867 that the first appropriation by the State to the University was made.

VIII

STATE AND NATIONAL AFFAIRS

Higher Education in Missouri — Major Rollins and The State University — Price-McClurg Anecdote — Elected to the 41st Congress — My Appointees to The U. S. Military Academy and to Annapolis — Missouri's First Railroad — "Liberalizing" the State Constitution

I have alluded elsewhere to the limited facilities offered and the meager opportunities furnished the children of my day in the State for even an ordinary education. The best that could then be expected was "reading, writing and arithmetic" and the child was fortunate to get even these. The State had failed to provide a fund of any consequence for the support of public schools, and the small salaries paid the teachers enabled these to be opened for about three months in the year only. The months utilized were most generally the winter ones, the rest of the year the younger children being kept idle and the older ones made to work on farms.

The first step taken by the State legislature looking to the establishing of a University was on the 11th of March, 1839 (the year after I was born), but actual instruction in the Academic Department of the University, commonly called "The State University," did

not begin until April 1841, the year my father came to the State. To the Academic Department has since been added Normal 1867, College of Agriculture and Mechanic Arts and School of Mines 1870, Law 1872, Medical 1873, Engineering 1877, Graduate School 1896. For these facts I am indebted to the work of Professor Snow.

Lands for the support of a seminary, or seminaries, of learning were granted by Congress and these lands were sold for \$78,000. I quote from Professor Snow: "When the question of location arose in 1839, the citizens of Boone County offered \$117,000 to have the University in Columbia." Out of this money was erected the first building, of which the corner stone was laid July 4th, 1841. No recognition of the University was made in the State Constitution of 1865 — this because of the hostility of members of that convention, headed by Drake, to Boone County on account of the opposition of a majority of its citizens toward the National Government in the war of the rebellion.

Short-sighted action in that regard, coupled with many severe proscriptive features contained in the instrument itself, were the causes that led to the political revolution in the State in 1870. The State had never up to 1867, made any direct appropriation of money to the support of the University.

In the election in November 1866, I was an unsuccessful candidate for the legislature in the County of Pike. However, when the legislature met in December of that year, I was elected Secretary of the State Senate, the duties of which required my constant attendance at the State Capital during sessions

of the legislature. In that year, 1866, the much beloved President Lathrop died. He was succeeded by Daniel Reed of Wisconsin University. At that time the certain income of the Missouri University from all sources was very small, not exceeding seven thousand dollars.

During the 1866-7 session of the legislature it was visited by President Reed. He was accompanied by Honorable James S. Rollins, the father of the University and its most faithful friend. They came to ask the legislature to make an appropriation for the support of the University. The membership of the Senate and House was largely republican and the feeling against Boone County, on account of the hostility of a large majority of its people to the Federal Government in the Civil War, was considerable. To get a bill through the two houses making an appropriation for the University while this feeling of hostility existed, was of course very great. President Reed was a republican as had been his predecessor, the lamented Lathrop. Rollins had been a Union man all through the years of the Civil War but had not affiliated with the republican party and had opposed the adoption of what was called "the Drake Constitution."

A joint session of the two houses convened in the House one evening to hear Major Rollins and President Reed upon the proposed appropriation. The presentation by Major Rollins was forceful and beautifully eloquent, but it did not seem to touch or remove the existing prejudice against Boone County. The appearance of President Reed was most impressive. He was a man about seventy years of age, six

feet three or four inches in height, and looked for all the world like a strong, rugged and determined western farmer. He began his address in a manner that at once attracted the attention of all. What he said left a lasting impression upon me and I think upon all who heard him. Knowing as he did the feeling that existed on account of the war, he began by saying in substance the following, "I came here in the interest of education, in the interest of *your* University at Columbia, Boone County, Missouri, where I at present reside. I am aware of the prejudice that exists among you against the people of Boone County, growing out of the recent war, a war that has so gloriously ended in the preservation of the Union.

"I stand before you this evening, a branchless trunk, without a sprig or green leaf to adorn it. I had a son, upon whom I expected to lean in my old age for support and comfort, but I gave him with all my heart to the service of the country to assist in keeping in the sky the flag of our fathers. He was a gallant boy and rode with Sheridan through the valleys and over the mountains of Virginia until he lost his life while fighting before Richmond. I have a *right* to speak to you, you his friends and comrades, and I beg your attention while I raise my voice in behalf of liberal education in the State that suffered as much as any other during the war."

These words were electrical and won the fight for the University. The State had up to that time never made an appropriation for the University. Ten thousand dollars opened the way for larger amounts later on.

Today the State University is one of which every

Missourian feels proud and the faithful services of Lathrop, Reed and Rollins in the interest of a better and higher education should be forever gratefully remembered by the people. During my life time the educational developments in the State have been slow but great and wonderful. In 1841, when my father came to Missouri, the State had done but little toward building up the public school system. Today we point with pride to the common schools and to the magnificent school fund that is distributed annually among the counties and cities of the State, to the splendid normal schools at Kirksville, Warrensburg and Cape Girardeau, and to the University at Columbia.

Thus far I have mentioned only the schools fostered by the State. With pride and approval we point also to Washington and St. Louis Universities and other colleges and seminaries of learning that are supported and sustained by church and voluntary contributions. It is hard for the present generation to understand or realize what difficulties the youth encountered seventy-five years ago in order to get an education. The opportunities now are great and no child should be permitted to grow up without attending school. Laws of a compulsory character should be enacted in every State of the Union requiring parents to send their children to school. Heavy penalties should be imposed for failure or neglect to do so. If the parents are illiterate they should not be permitted to fasten that illiteracy upon their offspring for the peace, good order and happiness of the people are dependent upon their education and intelligence.

The social features at the State Capital were much

the same during the winters that I was Secretary as those of the winters when I was a member of the House. After the adjournment of the legislature in the spring of 1868, I returned to my home in Louisiana, and took up again the practice of law. In August, at Montgomery City, I was nominated by a republican convention for a seat in the Forty-first Congress.

At the election in Missouri in November, 1868, the democratic candidate for Governor was General Thomas L. Price, a tall finely proportioned man, and the republican candidate was Joseph W. McClurg, a man very short and physically insignificant in appearance.

Kentuckians are a very proud people and are always boastful of the blooded stock that is raised in the blue grass region of that State, and of the fact that they come from the home of the "Mill-boy" Henry Clay.

McClurg, to the great mortification and chagrin of his opponent was elected Governor of the State.

Price when asked how he felt about the election said, "Very much like the old Kentucky farmer who, in great physical agony, was about to die. While rolling from one side of the bed to the other and calling loudly on his Maker, the family minister came in to the room and said to him, in a soothing tone, 'Don't be afraid, Brother, you will find on the other side a friendly hand that will guide you safely to a place of peaceful rest.'

" 'H—I' said the sick man, 'I am not afraid to die, but it is the *cause* of my death that troubles me. If I had been gored by a fine Kentucky bull or kicked by

a blooded Kentucky horse, I would not mind, but to be butted to death by a d——d little billy goat is more than I can stand!’ ”

Political excitement never ran higher in the State of Missouri than it did in the year 1868. I was a delegate from the Ninth District to the National Republican Convention at Chicago. That convention nominated U. S. Grant for President and Schuyler Colfax of Indiana for Vice-President. The Democratic National Convention nominated Seymour of New York for President, and Frank P. Blair, jun., of Missouri for Vice-President.

The republicans of Missouri nominated Joseph W. McClurg for Governor, and the democrats named Thomas L. Price. Erastus Wells of St. Louis was the democratic candidate for Congress in one of the two St. Louis districts, and C. A. Newcombe was the republican candidate in the other. Both were elected. John F. Benjamin, Samuel S. Burdette, both republicans, were elected from other districts. I was nominated over the Honorable George W. Anderson by the republicans in the Ninth District. William F. Switzler of Boone County was my opponent.

The contest in the State was very bitter, made so particularly by the restrictive and disfranchising provisions of the Constitution. The fact that General Blair was on the National Democratic ticket for Vice-President, made the contest particularly interesting. He had been the leader in Missouri of the Union forces during the Civil War, and probably did more than any other man to hold the State to its moorings in the Union. In 1868 he espoused the cause of the disfranchised rebels in Missouri and waged a fierce

and unflagging war in their behalf. His well known ability and courage gave to the opposition its greatest support and to the republicans their greatest concern.

In the Ninth District, the contest between Colonel Switzler and myself for Congress was hard fought. The disfranchising clauses of the constitution were the chief questions of dispute. I was declared elected by a majority of the qualified voters of the district and a certificate of election was duly issued by the Secretary of State to me. My seat in Congress was contested without avail, by Colonel Switzler, as the House decided in my favor. I entered the Forty-first Congress as a member from the Ninth District of Missouri in March 1869, a called session.

Grant was elected President; Colfax made Vice-President of the United States; McClurg was at the same election made Governor of Missouri. I was present on the fourth of March, 1869, in Washington and witnessed the inauguration.

I voted for Honorable James G. Blaine for Speaker of the House for the Forty-first Congress. This position had been held by Colfax. His election as Vice-President took him to the Senate. I doubt if any greater or abler men ever sat in the Lower House of Congress than sat in the Forty-first. James G. Blaine of Maine, James A. Garfield of Ohio, Thaddeus Stevens of Pennsylvania, John A. Bingham of Ohio, Benjamin F. Butler of Massachusetts, John A. Logan of Illinois, Henry L. Dawes of Massachusetts, Alexander H. Stephens of Georgia, William B. Allison of Iowa, Thomas W. Ferry of Michigan, Robert C. Schenck of Ohio, Fernando Wood of New York, Luke Poland of Vermont, Samuel Randall of Pennsyl-

vania, Erastus Wells, Jno F. Benjamin and S. S. Burdett of Missouri were some of the strongest men in the body.

In 1919 I was in Washington and visited the House of Representatives. Congress was then in session, but not a single member of the Forty-first Congress was there. They had all, except myself, crossed the line that divides this from the next world. I saw and talked with Honorable Joe Cannon, "Uncle Joe," and found that he was about two years my senior. He entered the Forty-second Congress as a member and is probably the only one of that Congress living.

An incident occurred during my visit that should not be overlooked. I went over the names of the Forty-first Congress with the hope of finding someone of them still alive. Witcher, of West Virginia, was a young man about my age and a member of that Congress. I knew that President Grant had appointed him soon after he left Congress, a paymaster in the regular army. I had not heard of him in many years but thought that he might be living. The next day I visited the Arlington Cemetery where a brother of my wife, Colonel Levi P. Hunt, is buried and there, in my stroll through the grounds, came across a slab on the side of a walk containing the names of Major Witcher and his wife.

From all that I can learn, I am the only surviving member of that Congress. All of the senators at that time serving, with one exception, are also dead. This burrowing into the dead past is of little interest to the present generation, but it serves to keep fresh in my own life the memories of more than a half century.

The name of the congressman from the district in which I was born in the State of Virginia was Booker. He lived in Henry County, the place of my birth, and had been well acquainted with my father. He was anxious to have me visit him at his home, and I promised to do so upon the adjournment of Congress. This I was prevented from doing by the serious illness of one of my children. Shortly afterwards my brother John (older than I) made a visit to Henry County. I met him after he had returned to Missouri and he censured me for not keeping my promise to Booker. He said I had put Booker to great expense in preparing for my entertainment. I asked him what preparation had been made, and he said, "*Why, Booker bought a new bureau.*" This was a little bit of humor that was enjoyed by my brother and by me as well.

During my term in Congress I appointed two young fellows (both of whom were born and raised in Bowling Green, Pike County) to the Military Academy at West Point, and to the Naval Academy at Annapolis, respectively. Arthur Murray, a son of Judge Samuel F. Murray, went to West Point and Matthew Givens Reynolds, a son of a very dear friend of mine, Dr. Stephen J. Reynolds, went to Annapolis. Both of them graduated with honor. Murray is now a Major General in the United States Army, on the retired list. Reynolds, after serving for two years, resigned from the Navy, studied law, and for years was a leading lawyer of St. Louis. I have always been proud of these two appointments.

While serving in Congress, I introduced and succeeded in having passed a bill authorizing the

building of a railroad bridge across the Mississippi River at Louisiana, Missouri. This measure was bitterly fought by the steam boat interest, which had no objection to a high bridge, but opposed a low or draw bridge.

The traffic of the Chicago and Alton Railroad Company between Chicago and Kansas City passes over that bridge. It is an important link in that great system. The bridge was built in 1873, two years after the authority was given. In the meantime, a railroad was being built from Louisiana west. This line was taken over by the Chicago and Alton, and now forms a part of the through line from Chicago to Kansas City. On this line the first railroad in Pike County was built.

When the track was laid from Louisiana to Bowling Green, a distance of twelve miles, an excursion train composed entirely of flat or mud cars was organized. On board these cars were a number of the citizens of Louisiana, including myself, who went to Bowling Green. Here, for miles around, the old farmers assembled to see a railroad train for the first time. Among those present was my old friend, John-son Hendrick, of whom I have spoken before. He had lived in Pike County since 1820, but had never seen or ridden upon a railroad car. When we got ready to start back to Louisiana, I invited him to get aboard and go home with me. He accepted the invitation and climbed on to one of the flat cars and sat down on the floor with his feet gathered under him. I told him to move over to the side and let his feet "hang over" and he would be more comfortable. To this he said, "No, I might get my feet caught in the

spokes." He had never known any other than a wagon wheel.

Old "Uncle Johnson" was a great character and knew much more than he professed. Years after this he was at my house in Louisiana when his attention was attracted to a telegraph wire that had been strung along the street I lived on. When told what it was he said, "I thought Mrs. Hunt had got her clothes line a little high." The lady referred to was my wife's mother. He was a good farmer, a good man, and a good friend.

In the "hurly-burly" of railroads, automobiles, prohibition, woman's suffrage and short dresses, it would be better for the country if the simple and plain mode of living, as practiced in the old time, was more in evidence. The presence of "Old Uncle Johnson" in my mind, has led me away from the path I started out to follow in this chapter. I will go back to the political happenings in the State in 1869 and 1870, and the part I took in them.

During the year 1869 and the early part of 1870, a movement was started by and among the republicans to "liberalize the Constitution" and remove from it such features as discriminated against those who had taken part as soldiers in the rebellion, and those who sympathized with the South during the war. This movement among the republicans in the State had a beginning at the State Capital. Four or five men met and discussed the course that should be followed to bring about the success of the movement. Among them were Colonel Wells H. Blodgett of Johnson County, Honorable Theodore Bruere of St. Charles, and myself.

The movement was well under way throughout the State, but had not sufficiently crystallized to become effective. The most influential leaders in the republican party that were in favor of changes in the organic law of the State, so as to remove the disabilities imposed upon Confederate soldiers and their sympathizers, were B. Gratz Brown and Carl Schurz.

The Republican State Convention was called to meet at Jefferson City the latter part of August, 1870. Here the forces "for and against" met. Governor Joseph W. McClurg was a candidate for renomination. He was opposed to the liberal policy advocated by Brown, Schurz and others. He was well supported in his opposition by Honorable Chauncy I. Filley and Congressman Havens of Springfield, D. T. Jewett of St. Louis, and others.

The conflict came and by what the Liberals claimed to be a "packed" convention, the advocates of a liberal policy were defeated. This resulted in "bolt." The Liberals left the hall of the House of Representatives, where the convention was being held, and repaired to the Senate Chamber, where a separate organization was effected. Here, B. Gratz Brown was nominated for Governor on what was then christened the Liberal Republican ticket, and a full ticket was nominated in the House. The regulars nominated Joseph W. McClurg for Governor, and a full ticket then and thereafter known as the Regular Republican ticket. The democrats made no nomination but supported the candidates on the Liberal Republican ticket.

An incident occurred in the regular convention be-

fore the "bolt" that I stop here to note. In the midst of heated discussion and a display of much anger upon the part of delegates, a telegram was handed to the President of the convention by a messenger. It was opened and by the President read to the convention. It proved to be from Honorable John B. Henderson, dated at Louisiana, Missouri. It said, "If Colonel Dyer is in the convention, please inform him that a pair of twins, a boy and a girl, send greetings to their father. Mother and children doing well." This message seemed for a moment to be "oil on the troubled waters" but it did not last. The "bolt" took place and I was one of the bolters. The boy was named David and the girl Lizzie. The boy was named for his father and the girl for her mother. Both are living, I am glad to say, at the date of this writing.

IX

STATE AND NATIONAL AFFAIRS Continued

The 42d Congress — Cholera in Louisiana — I Prescribe Treatment and make \$1,000.00 — Rollins and Lamm Anecdotes — Naval Academy Visitors Board — Worden-Lincoln Incident.

I was nominated by the Liberal Republicans of the Ninth District for the Forty-Second Congress. Edwin Draper of Louisiana, Missouri, was nominated by the Regular Republicans, and Judge Andrew King of St. Charles County by the Democrats. This made a triangular fight in which Judge King was elected. The Liberal Republican State ticket was elected by a large majority. Honorable Charles D. Drake, then a United States Senator from Missouri, resigned to accept an appointment by President Grant on the bench of the Court of Claims. The vacancy in the Senate was filled by the appointment, by Governor McClurg, of Daniel T. Jewett. The State legislature shortly after that time elected Honorable Frank P. Blair, Jr. a Senator. While the Liberal Republican ticket for State officers was elected by a large majority, the democrats succeeded in electing a majority of members in both branches of the State Legislature.

It was during the summer of 1871 that “dickering” between Governor Brown and leading members

of the democratic party in the State, looking to the nomination of the former for President in 1872 by the democratic party began. It was this "bait" that caught Governor Brown and led him to abandon, *i.e.*, to betray the Liberal Republicans of the State. He failed to receive the nomination for the presidency, but did receive that for Vice-President on the democratic ticket, headed by Horace Greeley. President Grant was re-elected and Senator Henry Wilson of Massachusetts, Vice-President, over Greeley and Brown by a large majority. Governor Brown and General Blair were cousins, and their defection from the republican party gave the State over to the control of the democrats. This control was held until the election in 1904 when Herbert S. Hadley, a republican, was elected Governor.

In 1872, I was a delegate from the Ninth Congressional District of Missouri to the National Republican Convention that met at Philadelphia and nominated Grant and Wilson. My colleague from the Ninth District was Honorable Theodore Bruere of St. Charles. Twenty-eight years later (in 1900) Bruere and I were again delegates from Missouri to the National Republican Convention at Philadelphia, that nominated McKinley and Roosevelt. This, I think, was a remarkable coincidence.

Bruere was a German by birth and came to Missouri when quite young. He studied law with the Honorable Arnold Krekel, who afterwards became United States District Judge for the Western District of Missouri. Bruere was a good lawyer and a good man. He has long since passed over the "great divide."

Brown as Governor was succeeded by Silas Woodson; he by Charles H. Hardin; he by John S. Phelps; he by Thomas T. Crittenden; followed by John S. Marmaduke, Albert P. Morehouse, David R. Francis, William J. Stone, Lon. V. Stephens, Alexander M. Dockery, and Joseph W. Folk. Hadley, as before stated, was the first Republican Governor after Brown. Gardner, the last Democratic Governor, was elected in 1916, and Hyde, a republican, in 1920.

In the latter part of the foregoing I have gotten a little ahead of my story, as originally planned.

I took quite an active part in the campaign of 1872, and after the election of that year, devoted my time to the practice of law.

In 1873, while the bridge was being built across the Mississippi River, cholera visited the little city of Louisiana and took off nearly a hundred of its citizens. It was during that epidemic that I watched closely the effect of medical treatment—that is, the treatment given by physicians of the old or Allopathic school, and those of the new or Homeopathic school. The leading physician in the city of the old school was Dr. W. T. Stewart, and the only one of the new school was Dr. D. L. Deyoe. Of course a much larger number, probably four-fifths, of the patients were treated by the old school. It is a remarkable fact but true nevertheless, that not a single death occurred among the patients treated by Dr. Deyoe.

One case in which I felt a very great interest was that of the Marshal of the city, Mr. Thomas. He was attended in the first place by Drs. Jones and Draper, of the old school. They told me that Thomas would die and that they would not return to see him. I at

once went to Deyoe and told him to go and see him. This was late in the evening. The next morning (Deyoe had remained all night with Thomas) I met the Doctor and was delighted to hear him say that Thomas was better and would get well. This one case gave Deyoe great prestige. Dr. W. C. Hardin, my wife's uncle by marriage, was a retired physician of the old school. He was bitterly hostile to the homeopaths, and in my presence attempted to ridicule the medicine and treatment. The only reply I made to him was that I knew nothing of the virtues or merits of the two medicines, but that I was quite as competent as he to determine a dead man from a live one.

A very interesting case occurred in the treatment of the disease by Dr. Stewart. It was that of a Jew by the name of Hoover. A day or two before Hoover was taken sick, I had a talk with Dr. Stewart as to the treatment of the disease by him. I asked him if the profession had not learned anything since the cholera epidemic of 1849 and 1865. His reply was no, the same treatment now as then. I called his attention to an article taken from a French magazine, wherein pulverized ice applied to the full length of the spine had worked wonders in the treatment of the disease. He laughed and said that in the next case which he had where recovery seemed hopeless he would apply the ice.

The day after this I met him and asked if he had tried the "ice remedy." He said yes, he had applied the ice to the spine of Hoover, which seemed to produce a fine effect and looked for a time as if Hoover would recover, but that he was suddenly called to

another patient across the street, and while he was gone he left the bag of ice on Hoover's spine: when he returned he found that Hoover had *frozen to death*. My ice prescription was not tried again.

After the death and burial of Hoover, his widow came to me with a receipt for five dollars signed by Theodore Wiseman, a life insurance agent residing in Louisiana. It appeared that Hoover had applied for a life policy in the sum of two thousand dollars in a company represented by Wiseman and the five dollars had been given to him on account of the premium. The company accepted the risk, issued a policy and forwarded the same to Wiseman to be delivered to Hoover upon the payment of the rest of the premium. This policy was not issued on the plan desired by Hoover and it was returned to the company for a different one, but before the other policy came Hoover died, and the question was as to whether the company was liable. I considered it very doubtful, but accepted employment on the basis of a contingent fee of fifty per cent of the amount recovered.

I brought the suit and won it before Honorable John F. Dillon, of the United States Circuit Court at St. Louis. I received two thousand dollars, paying Mrs. Hoover one thousand and retaining for myself the other.

Meeting Dr. Stewart, who had heard the result, he at once demanded one-half of my fee on the ground that he had applied, on *my* recommendation, the ice remedy that killed Hoover and but for which there would have been no case.

Among the deaths occurring at Louisiana from cholera that year was that of the greatest wag I ever

knew, Sid Shaw. His witticisms are still remembered and greatly appreciated by the few men of that distant day who remain.

I heard Major James S. Rollins tell a story in the State Senate once that had a good effect in illustrating the position of what was at that time known as the Green Back party. A bill was under consideration for the renewal of the State debt then maturing. That debt was in gold bearing bonds. Rollins wanted this paid in gold according to the terms of the bond. The opposition (democrats) wanted to pay the debt in depreciated currency, green backs, but to make the new bonds payable in gold with twenty years to run.

Rollins said, "You promised that the old bonds should be paid in gold and now you want to pay them in green backs, and issue a new promise to pay in gold. This reminds me of old man Van Bibber, of Boone County, who kept a hotel or 'stopping place' on the Boonslick road for travellers. Van Bibber entertained the belief that the happenings of the day would be repeated every one thousand years, and that this had been so from the beginning of the world. He let no occasion pass without trying to impress his visitors with the truth of his belief.

"One evening three young men rode up and asked to stay overnight. The horses they were riding were of different colors, one a bay, another black and the other a claybank. The men alighted, had their horses stabled and fed and then went into the house where they ate supper before a good, roaring fire. Soon Van Bibber began to discourse on his belief and seemed

to be well satisfied with the impression he made upon the three strangers.

“The next morning one of the men, who acted as spokesman for the other two, said, ‘Mr. Van Bibber, we have thought over what you said last night about the world repeating itself every one thousand years, and we are all converts to that teaching.’ Mr. Van Bibber was delighted, and said, ‘Yes, gentlemen, you will come here a thousand years hence as you did last night. You, sir, will be riding a bay horse, you, sir, a black, and you, sir, a claybank, and you will take shelter under my roof then as you have now.’ The spokesman for the visitors then said, ‘Yes, we believe all that you say, but Mr. Van Bibber, we are a long ways from home and have a long way yet to travel. We are a little short of money and if it will suit you as well, we would like to pay our bills when we come again.’ This put another side to the question. Van Bibber scrutinized his visitors in an inquiring sort of way and then said, ‘Since looking at you more particularly I am satisfied you are the same three d——n rascals that were here a thousand years ago and did not then pay your bills.’ ”

I found it quite helpful in political speeches to apply this story to the various promises of democratic leaders. It was particularly so at Macon, Mo. An old democrat and a dear old friend of mine, Major Dysart, always attended the meetings that I addressed in Macon. He is a lawyer of ability and I always invited him to correct me if I made any mistakes. In the canvass when Robert E. Lewis, now United States Circuit Judge, was the republican candidate for Governor of Missouri, Judge Henry Lamm and

myself spoke in Springfield, Missouri, in support of his candidacy. It was near the close of the canvass.

The meeting was largely advertised and a supreme effort was made upon the part of the republicans to outdo the democrats, who had a great demonstration at that place two days previously. Men, women and children came to Springfield the day before the meeting was to take place. Many came in wagons and other conveyances and went into camp in and about the city.

On the day of the meeting, it began to rain in the morning and came down in torrents the whole blessed day, the people seeking shelter in the court house, the Opera House and other places. Lamm was designated to speak at the court house at 11 A. M. and I was to speak at the Opera House at the same hour. The Grand Marshal of the day was Judge Hubbard, who had been a judge of the Circuit Court and held other important positions. He was a small man and exceedingly nervous and excitable. He wore a long sash of red, white and blue cambric that reached from his shoulder to his heels.

The court room in which Lamm was discoursing was situated on the second floor. He had been speaking for an hour to the large crowd who were stirred to great enthusiasm by his eloquence and manifested their approval by vociferous shouting. In the middle of a long and eloquent sentence, and with his mouth wide open and his arms extended, up turned Hubbard, who said to Lamm, "Just a moment, please — I simply want to announce that the good people of Springfield have prepared and set a dinner for everyone here on the lower floor of this building — that is

all." There was a mad rush for the door and Lamm was left standing with his mouth wide open, his arms extended and his sentence uncompleted, while he saw the last one of his auditors depart. It was claimed that this interruption by Hubbard defeated the election of Lewis for Governor.

Later on and during another canvass I again spoke at Macon, Missouri, with my old democratic friend, Major Dysart, an interested auditor on the platform. It was the year that the National Democratic convention met in St. Louis, adopted a free silver platform and nominated Parker of New York for President. It will be remembered that Parker in his acceptance wrote it on a Western Union telegraph blank and practically declared for the "gold standard," thereby repudiating the free silver platform that had been adopted.

At Macon I utilized a story I heard Bob Taylor of Tennessee tell. Speaking of the deep disappointment that the great following of William J. Bryan felt when the telegram of Parker appeared, I said, "It reminds me of an incident that occurred at a Baptist baptizing. There had been a great revival in the church and one Sunday morning a large number of converts stood on the bank of a creek waiting to be immersed by the preacher.

"A young fellow in the neighborhood with his sweetheart went to the 'baptizing' in an old buggy drawn by a claybank mule. He got as close as he conveniently could, hitched his mule to a tree, and he and his best girl pushed their way to the very edge of the water. The preacher, a large strong man, took one of the candidates at a time and went into the

water while the great crowd on the bank sang at the very top of their voices. Bringing this one back he then went after another. The country fellow was a great stammerer and he was dressed in a suit of nankeen and stood right in the line of the candidates. The preacher grabbed him and against the protests of the fellow in the nankeen clothes forced him into and under the water. As he came out an old sister on the bank shouted glory and said to the unwilling candidate, 'How do you feel now, brother?' He stammered out his reply by saying, 'I feel like a d-d-d-damned fool.' I asked Dysart if that did not fairly represent the condition of the democrats in Macon County. He said it was as 'true as the gospel.' "

In June, 1874, I was appointed by President Grant a member of the Board of Visitors to the Naval Academy at Annapolis, Maryland. As stated elsewhere in these reminiscences, Matthew Givens Reynolds, a son of an old and valued friend of mine, Doctor Stephen J. Reynolds of Bowling Green, was, while I was a member of the 41st Congress in 1870, nominated by me to the Academy as a midshipman. He had been in the Academy for four years and was to be graduated. I was so tenderly fond of the boy and his father that I was glad to accept the appointment of Visitor the year of his graduation.

The Board was made up of ten or a dozen men from different sections of the country, together with a representation from each house of Congress. The President of the Board was Rear Admiral William Reynolds, whose services to the country were long and distinguished. He was born in 1815 and died in

1879. Of him the Secretary of the Navy said, "In the administration of the duties committed to him he did much to improve the personnel and efficiency of the enlisted men of the Navy, and in the discharge of all the duties devolving on him, during a long career in the service, he exhibited zeal, intelligence and ability, for all of which he was conspicuous." There were many distinguished men on the Board of Visitors, among them General James H. Wilson and General John Gibbon of the Army and Captain Stephen Bleecker Luce of the Navy.

The Superintendent of the Academy at the time was Rear Admiral John Lorimer Worden. It was Worden who commanded the Monitor in the battle royal with the Merrimac on the 9th of March, 1862, in Hampton Roads, and by that battle saved the remainder of the American fleet there from destruction. The Merrimac had on the day before sunk the ships *Congress* and *Cumberland* and came back from Norfolk on the 9th for the purpose of destroying those remaining. It was then that the little "Cheese Box," as the Monitor was called, engaged the Merrimac and drove her back disabled to Norfolk. This history is well known but I repeat it here for a purpose.

The number of midshipmen composing the graduating class were divided into two companies, one of which was commanded by my appointee, Matthew G. Reynolds. The men were drilled on shore and on ship in the presence of the Visitors. For the company best drilled there was to be presented a prize, a beautiful silk American flag. The president of the Board (Admiral Reynolds) appointed Generals Wilson, Gibbon and Captain Luce, to be the judges and

these gentlemen awarded the prize to the company commanded by my appointee.

The two companies were marched to the office or quarters of Admiral Worden, and drawn up in line for the presentation ceremonies. The young and beautiful daughter of Admiral Worden was selected to present the flag. The duties were performed in a most graceful and impressive manner. While this was being done the Board of Visitors were gathered about the Admiral. He said, "That girl (meaning his daughter) was born while I was at sea, and I never saw her until she was five years old." This speech was a simple but wonderful tribute to the loyalty of the man to his country, to his ship, and to his flag. The Government required his services in distant seas, and he gave up home, the companionship of wife and the cooing and pratter of his baby girl, to serve his country and to keep its flag flying.

The presentation of the flag and the circumstances surrounding it made a deep impression upon those who were fortunate enough to be there. This one recital by the Admiral was not all that he said upon that occasion. In a modest way, while tears stood in his eyes, he told of the visit of President Lincoln to him after the battle between the Monitor and Merrimac had taken place. In this battle Worden was painfully wounded in the face, and it was thought for some time that he would lose his sight. He was taken by Lieutenant Greene to Washington and rested at the old Kirkwood Hotel. His head was bandaged and his physical suffering intense. He could not see and his physicians were afraid that his eyes would eventually slough out. While in this con-

dition he directed Lieutenant Greene to go to the White House and make a personal report of the battle to the President.

When Greene entered the President's room, the Cabinet was beginning to assemble. Mr. Lincoln at once asked Greene, "Where is Worden?" When told, he picked up his hat and said to the members of the Cabinet, "Keep your seats, gentlemen, I am going to see Worden." The description of that visit by Worden was beautifully eloquent and touching in its simplicity. The President and Greene came to the door and Greene said, "Worden, here is President Lincoln." Worden put his hand out from under the covers, grasped the hand of Lincoln and said, "Mr. President, you do me great honor in coming to see me when there are so many more worse off than I am." "No," said Mr. Lincoln, "I came to thank you in the name of every loyal heart for the great service you have rendered the country."

If this little recital (true in every detail) can add the slightest interest to the blessed memory of one of the greatest and sweetest characters the world has ever known, I will be glad.

X

THE WHISKEY "RING"

Appointment as U. S. Attorney — The Saint Louis Bar — The "Ring's" Methods — Evidence and Prosecution — President Grant's Secretary Implicated — The Bristow-Grant Episode.

In May, 1875, I was appointed United States Attorney for the Eastern District of Missouri by President Grant to succeed William Patrick. At the time of my appointment I was a resident of Louisiana, Pike County, where I had lived since 1862. The notice of my appointment came in a telegram from St. Louis signed by Honorable John B. Henderson, which I received while engaged in the trial of a case in the Louisiana Court of Common Pleas. I had no intimation whatever of this and consequently was greatly surprised when I received the message from Mr. Henderson. I never knew and do not now know what influence brought about the appointment.

I had an acquaintance in General Grant's Cabinet, General W. W. Belknap, whom I had known while he was Collector of Internal Revenue at Keokuk, Iowa. He had made a seizure in Keokuk of a large tobacco factory owned by parties who had their homes in Pike County, Missouri. I was employed by them to represent their interests in certain proceedings

then pending before Judge Love, then United States District Judge. This was an interesting case, involving questions arising under the revenue laws of the United States. I was successful in the defense and a decision by Judge Love restored the property seized to my clients. The United States attorney took the case to the Supreme Court where the decision of Judge Love was affirmed.

This was my introduction to a trial involving the revenue laws of the United States. I always believed it was the trial of this case that induced General Belknap to recommend my appointment. Whatever the fact may have been, I determined to accept the position and my commission came along in a day or two when I went to St. Louis and qualified.

In that city there were many able lawyers in active practice at that time. Among them were Samuel T. Glover, John R. Shepley, Fidelio C. Sharp, James O. Broadhead, John B. Henderson, John W. Noble, Henry C. Hayden, Henry Hitchcock, G. A. Finkelnburg, Britton A. Hill, John M. Krum, Chester H. Krum, George A. Medill, George P. Strong, John C. Orrick, Samuel Knox, D. T. Jewett, Amos M. Thayer, and E. B. Adams.

Of all these, only one remains — Chester H. Krum. No city in the whole country could boast a greater Bar than St. Louis from the years 1865 to 1880. The men composing it were indeed *lawyers*. This was before the day of getting rich at the expense of professional honor, before the day of money grabbing, before the day when ambulance chasing became a part of a lawyer's undertaking, before the day when get-rich-quick concerns held the board, before the day

when the courts' calendars were loaded down with nauseating divorce cases, before the day when women drank high-balls, smoked cigarettes, wore dresses short at both ends and displayed long stockings of bright colors, before the day when money was the controlling factor in obtaining place and position in good society. Aye, at that time intelligence, integrity and moral worth were the recognized requirements for admission to homes of culture and refinement.

It would be far better for the good of the community if the habits of that day were the habits and customs of the present.

There was much excitement throughout the country and especially in St. Louis at that time, over reports that a great conspiracy existed between revenue officers, distillers, rectifiers, liquor dealers and prominent and influential persons to defraud the United States out of its revenue upon distilled spirits.

Previous to my appointment the United States had made seizures of the distilleries in St. Louis, and were proceeding to condemn and sell them for alleged frauds committed by their owners in violation of the revenue laws of the United States. The law at the time provided that a tax of seventy cents on every proof gallon of whiskey made should be levied and collected. The mode of collecting this tax was by the sale of revenue stamps.

The spirits when made were first run from the still into receiving cisterns where no one but a Government storekeeper was allowed to enter. These spirits were drawn off from the cisterns into barrels, and were taken to the distillery warehouse. When the distiller desired to remove this from the warehouse, he was re-

quired to number each barrel, beginning with No. 1. It was also necessary to place upon each barrel a stamp showing that the tax had been paid on every proof gallon contained therein. It was gauged and sent to a rectifier, who was required to send notice to the Collector of the proposed "dumping" for rectification. The Collector would send another gauger to the rectifier's place, where the spirits were again gauged. He was required to report under oath to the Collector, that he had destroyed the stamps on the barrels emptied, and had erased the serial number of the barrel or cask.

The law demanded that each barrel and also each stamp should bear a serial number and the distiller was required to keep on forms, furnished by the Government, a correct statement of the serial number of each. As had been seen, it was the duty of the gauger at the rectifying establishment to destroy the stamp and efface the number on the barrel, so that the stamp could not be used again on another barrel.

The scheme to defraud in one particular was plain and easily understood. It had its origin in the city of Cincinnati, as I believe, under the immediate supervision of one, C. G. Megrue, who was a United States assessor. Megrue came to St. Louis in 1871 or 1872 and organized the "Ring" there. The scheme was, when first adopted, substantially this. Instead of destroying the stamp on the barrel as the law required, it would be removed and used again on another and different barrel. In this way the stamp would serve to show that the tax had been paid upon two instead of one barrel. For example, if the stamp in the first instance had been used on a barrel con-

taining 40 proof gallons, the use of it a second time would add another 40 proof barrel. The tax paid stamp cost \$28.00; the use of it a second time would fraudulently show that the Government had been defrauded of \$28.00, an amount that the conspirators, instead of the Government, would receive.

Another scheme to defraud was by cheating in the proof. A barrel would be made to hold or purport to hold let us say only 40 proof gallons upon which the Government would be entitled to \$28.00 or seventy cents per gallon, whereas in fact the contents of the barrel would show whiskey of 180 proof instead of 100 proof. By reducing this proof to 100 (required by law) there would be enough to make almost another barrel. Each stamp had a serial number and by using it a second time the duplication could be discovered. For awhile the regulations did not require the "dumping papers," or copies then sent to Washington, but later this was required. These "dumping papers" made out on a form furnished by the Government showed the serial number of the cask or barrel, and the serial number of the stamp. After a long time the duplication was discovered and thereupon an inquiry began.

Benjamin H. Bristow of Kentucky was the Secretary of the Treasury and Bluford Wilson of Illinois, Solicitor of the Treasury in 1874-1875 and until 1876. These officers were not only honest and diligent but without fear, and under their immediate direction the inquiry at St. Louis and elsewhere was begun and prosecuted. At St. Louis, Honorable Samuel Treat was the fearless and able United States District Judge.

As before stated, the distilleries in St. Louis had been (prior to my coming) seized and proceedings begun to forfeit and sell them. I found that a grand jury had been sworn and empaneled in the United States District Court at the spring term of that year and that it was holding daily sessions in the Federal Building on the corner of Third and Olive streets. The foreman of the jury was Richard M. Scruggs of the dry goods firm of Scruggs, Vandervoort and Barney. Scruggs was honest and courageous, and made a most excellent foreman. The Court had little else before it from May until the latter part of August except the "Whiskey" inquiry. I knew but little of the revenue law when I was appointed and the path to a successful prosecution of those who violated it had not been plainly blazed. I struggled along as best I could in what seemed to be inextricable confusion. The patience, kindly advice and suggestions of Judge Treat were of the greatest possible assistance to me. I have never ceased to remember his kindness with gratitude.

The investigation was long and tedious, and the difficulties encountered while obtaining evidence of a legal and convincing character were very great. Little by little, however, facts were discovered that paved the way for an exposure which astounded and shocked the country. In the first place, it was shown that the "Ring" came into existence in the late spring or early summer of 1871 in this way. John A. Joyce, a revenue agent on duty here who had before that time been a clerk in the Treasury Department at Washington, wrote to Conduce G. Megrue at Cincinnati, Ohio, to come to St. Louis. Megrue had

been an assessor under the Internal Revenue law at Cincinnati. In response to this letter he came to St. Louis, and after consultation with Joyce proceeded to take charge of what he called "an organization to make some money fraudulently."

The way it was done was to evade the tax on a given amount of distilled spirits by giving a portion of the production to those distillers who might be in the organization. He first saw Alfred Bevis of Bevis and Fraser, distillers, and secured his co-operation; then that of Macklot Thompson and Peter Curron, both of whom were distillers also. Later on in the spring of 1872, Rudolph W. Ulvici came into the organization.

It was agreed among these men that they might evade about one-half of the tax or thirty-five cents on each and every proof gallon of spirits made by them respectively. One-half of the amount thus fraudulently realized was to be retained by the distillers and the other half divided between various other parties connected with the Ring organization. The making of the "Crooked Whiskey" did not actually begin until August, 1871. Megrue was the collector and he received the money from the distillers and distributed it to others who were members of the "Ring."

Megrue remained in St. Louis until November, 1872, when he returned to Cincinnati and ceased active connection with the organization that he had founded. During the time here he received money from the distillers each Saturday and disbursed it. He received from one to three thousand dollars each week from Bevis and Fraser; Macklot Thompson

turned over to him from \$500.00 to \$1200.00; Curron about the same, and later from Ulrici he received from \$2,500.00 to \$3,500.00. A portion of the amount received by Megrue was set aside to pay O. H. Avery, clerk at Washington, and the subordinate officers, such as gaugers, storekeepers, deputies, etc., the remainder being divided into five parts. He retained one-fifth of that part for himself, paid John A. Joyce, revenue agent, one-fifth; John McDonald, supervisor, one-fifth, and gave the remaining two-fifths to John Leavenworth, a gauger.

This was the beginning of the frauds in St. Louis. After Megrue left, these continued upon a much larger scale. New members were admitted, other distilleries started and a greater amount of "Crooked Whiskey" made. The scheme to defraud was actively continued until 1875 (with the exception of a few months in 1874 when Joyce was away in San Francisco). To make the conspiracy a success, it was necessary to include in the organization distillers, rectifiers, whole-sale liquor dealers, all revenue officers in St. Louis and men of influence in Washington.

The above facts were developed in the hearing and in the early part of August, 1875, the grand jury found and reported bills of indictment against the following persons, to-wit:

Conduce G. Megrue.

John McDonald, Supervisor of Internal Revenue.

William O. Avery, Chief Clerk of the Treasury Department.

John A. Joyce, Revenue Agent.

Joseph M. Fitzroy, Deputy Collector.

George W. Fitzroy, Gauger.

John McFall, Gauger.

Abijah M. Everest, Gauger.

John E. Howard, Gauger.

Louis Kellerman, Gauger.

John A. Mead, Gauger.

Wm. J. Bassett, Gauger.

Findlay Robb, Storekeeper.

Richard B. Jones, Storekeeper.

Selvin D. Thorpe, Storekeeper.

Alfred Bevis, Distiller.

Edmund B. Fraser, Distiller.

Gordon B. Bingham, Distiller.

John W. Bingham, Distiller.

F. C. Fraser, Rectifier & Distiller.

Louis Teuscher, Distiller.

William R. Jonett, Distiller.

L. G. Quinlivan, Rectifier.

Benj. A. Quinlan, Rectifier.

W. H. Wadworth, Rectifier.

R. W. Ulrici, Distiller.

Gerhard Bursberg, Rectifier.

Barnett H. Engelke, Rectifier.

John L. Bernuker, Rectifier.

F. W. Bollman, Rectifier.

Edmund R. O'Hara, Rectifier.

R. August Thias, Rectifier.

C. L. Robb, Rectifier.

C. D. Robbins, Rectifier.

The charges covered conspiracy, making false reports, removing whiskey contrary to law, violation of

revenue laws, bribery, fraudulently removing stamps, destroying records, etc.

Later on the grand jury returned bills of indictment against William McKee, O. E. Babcock (Secretary to the President), Constantine Maguire, Collector of Internal Revenue, Zebulon Leavenworth and others.

The officers in Washington which the evidence connected with the "Ring" were Avery, Chief Clerk of the Treasury, and Babcock, Secretary to the President. The necessity for and value of this connection was very apparent. Avery could keep parties in St. Louis advised of any order looking to an investigation of the distilleries at St. Louis and the sums of money paid to the collector by them, Babcock could guard against examinations and prevent the commissioner of Internal Revenue from sending agents to St. Louis, etc.

Another most important member of the "Ring" was William McKee, a wealthy and influential citizen and the proprietor of a republican newspaper of wide circulation. Each and every one of the persons indicted was an active member of the republican party and an enthusiastic supporter of President Grant. They wielded great influence with the administration and virtually controlled federal patronage in St. Louis.

How it came that I was appointed United States attorney has heretofore been explained. I was a republican and as a delegate had supported General Grant in both of the conventions that nominated him for the presidency and voted for him at the elections in 1868 and 1872. The fact that I was a republican

and all of the accused were of the same party, did not influence my action in the least. I tried to do my duty as a sworn public officer and was not swerved from that responsibility by the cry "he is hurting the party." Every possible obstacle was thrown in the way of the prosecution by selfish, dishonest and unprincipled politicians, whose false representation to General Grant embittered him against Bristow and other officers engaged in unearthing the frauds and punishing the guilty. It is a great pleasure to know (as will be hereafter shown) that General Grant, before he was taken to Mt. McGregor where he died, became convinced of the wrong that he in thought and deed had done his brave, faithful and courageous Secretary of the Treasury, Benjamin H. Bristow, and, like a brave man that he was, he openly and frankly apologized for the wrong done.

Nearly all of the persons indicted, except McDonald, Joyce, Avery, McKee and Babcock, pleaded guilty. McDonald was tried, convicted and sentenced to the penitentiary. The trial of Avery followed, and he was convicted and sentenced to the penitentiary. Joyce was tried at Jefferson City for an offense committed in the Western District and was there convicted in a trial before Judge Krekel and sentenced to the penitentiary. McKee was tried, convicted and sentenced to six months in jail and to pay a fine of \$5,000.00. Babcock was tried and acquitted. Con Maguire, the Collector of Internal Revenue, pleaded guilty to previous knowledge of the frauds and failure to report them. He was given a jail sentence of six months and a fine of \$5,000.00.

As before said, every conceivable scheme was

adopted by the defendants, their friends, and by unprincipled politicians to discredit the efforts made by Bristow and other officers in the prosecution of those engaged in defrauding the Government of its revenue. Notwithstanding these dastardly attacks the work went bravely on.

The files in the Western Union Telegraph office were examined by the grand jury in the search for evidence. The "dumping papers" showing duplication of the revenue stamps by distillers and rectifiers were brought to the attention of the grand jury. These furnished the key that unlocked the door to the most monstrous frauds ever attempted upon the revenues of this country. It was in fact an assault upon the very life of the Government.

When the "dumping papers" were before the jury and the distillers and rectifiers appeared as witnesses, there was no escape for them. They had to admit the fraud when confronted with the duplication of stamps, which gave convincing evidence as to the parties composing the "Ring."

The amount of money derived from this fraud was divided among the members. The percentage going to each was fixed, and the collection and distribution made each Saturday by a member chosen for that purpose. The amount going to each was placed in a separate envelope and delivered to them individually. The most important and influential personages belonging to the "Ring" received a greater sum than those of less importance.

The first collector was Conduce G. Megrue and when he left St. Louis in 1872, he was succeeded by John Leavenworth, who afterwards died, and was

followed by Joseph M. Fitzroy. The latter was succeeded by A. M. Everest.

From the organization of the "Ring" in 1871 to May 1875, as much as two million dollars were stolen by the conspirators from the revenues of the United States. Megrue was here a little over a year, and he testified that his part of the stolen money amounted to sixty thousand dollars — this when only two distillers contributed to the fund.

Honorable John B. Henderson was employed by the Attorney General to assist the District Attorney in the prosecution. He had much to do in preparing the indictments and in the trial of some of the cases. His services were of great value. In the case of Avery, Chief Clerk of the Treasury Department, he was very efficient. In the course of his arguments to the jury he said things that gave great offense to President Grant, who was prejudiced against Henderson on account of the latter's vote of "not guilty" in the impeachment trial of Andrew Johnson, and it did not take much to arouse his animosity. Henderson's allusion to those about Washington who "would bend the supple hinges of the knee that thrift might follow fawning" was the particular occasion of the offense.

The President directed the Attorney General to dispense with the further services of Mr. Henderson. In a dispatch received by me from Attorney General Pierrepont, he said: "Notify Mr. Henderson that his services are no longer required, and you are authorized to engage the services of an able lawyer to assist you. The President suggests either Samuel T. Glover or Ex-Governor Thomas C. Reynolds."

I first showed the message to Mr. Glover, who declined on the ground that he had been consulted by one or more of those accused of participation in the frauds. I then saw Governor Reynolds who also declined without assigning any reason. Further, acting under the authority given me, I at once went to my old friend and preceptor, Honorable James O. Broadhead, and asked him to accept employment. After some hesitation and, as I believe, out of his friendship for me, he agreed to accept. I at once wired the Attorney General the result of my interview with Glover and Reynolds and of my employment of Mr. Broadhead. He answered immediately approving my action and sent Mr. Broadhead a retainer of one thousand dollars. McDonald and Avery had been tried and convicted. Mr. Henderson retired and Mr. Broadhead came in.

The President's hostility to Henderson, as before stated, began when the latter voted in the Senate against the impeachment of President Andrew Johnson. His hostility to me became pronounced after the indictment of Babcock. I was not conscious of having given offense for I had admired and held him in high esteem—had voted as a delegate in two conventions for his nomination to the presidency and had cast my vote for him on the elections in 1868 and 1872.

Grant was an honest man and there was no evidence whatever that he knew of the frauds upon the revenue. His great fault was in blindly holding up and standing by such men as McDonald, Joyce and Babcock. In the trial of Babcock, the President's deposition in his behalf was introduced and read. This deposition

made a deep impression upon Judge Dillon and I fear greatly influenced the Judge in his charge to the jury. It was that deposition and that charge that, in my opinion, wrung from the jury a verdict of "not guilty."

McDonald and Avery were prosecuted by Henderson and myself. They were defended by one of the ablest lawyers at the St. Louis Bar, Chester Harding Krum. Both, as has been seen, were convicted and sentenced to the penitentiary, while Joyce was tried, convicted and sentenced at Jefferson City.

William McKee was prosecuted by Colonel Broadhead and myself, and defended by Chester H. Krum and Henry A. Clover of St. Louis, William H. Hatch of Hannibal and Daniel W. Vorhees of Indiana. The Government called as witness many of the conspirators who had pleaded guilty. They were bitterly attacked by defendant's counsel, not only as confessed felons but as co-conspirators whose testimony could not be believed. The Government, as a matter of course, was dependent in a large measure upon the testimony of such witnesses for a verdict. All of the attacks failed and a verdict of "guilty as charged" rendered. This was followed by a motion for a new trial, which was overruled by the Court. He was sentenced to six months in jail and to pay a fine of five thousand dollars. The whole business was a very serious matter but now and then something would be said by witness or lawyer that would for a time relieve the intense solemnity that pervaded the courtroom. For instance, while Louis Teuscher, a distiller, was being examined he was asked how he ran his distillery. He was a German and did not speak Eng-

lish very well. He replied, "Vell, sometimes straight but most times crooked."

In addition to the criminal prosecutions begun and prosecuted against the distillers, they were sued on the bonds they had given the Government. When they began business the bonds were each in the penal sum of fifty thousand dollars. A judgment on each bond for the full amount was rendered by the Court, the total aggregating about two hundred thousand dollars. Most of these judgments were compromised by the sureties on the bonds. The exact amount realized to the Government I have not ascertained and cannot approximate.

The trial that attracted the greatest attention was that of the President's Secretary, Orville E. Babcock. In the course of preparation for this, telegrams passing between the defendant, John McDonald and others were found and introduced in evidence. These had to do, principally, with the proposed investigations at St. Louis and the means adopted to frustrate and defeat them. The telegrams written by Babcock were such that no doubt was entertained by those engaged in the prosecution, that he knew all about the frauds that were being perpetrated and actively assisted the "Ring" in carrying out their plans and purposes.

The correspondence between Babcock and McDonald was quite voluminous, too large to incorporate here. Suffice to say that it showed the close personal relations that existed between Babcock, McDonald and Joyce, and further showed the important aid given by Babcock to prevent an exposure of the frauds then being perpetrated at St. Louis.

In an examination of the files of the telegraph company, I came across the following:

Washington, Dec. 13th, 1874

Gen. John McDonald, Supervisor, St. Louis:

I succeeded. They will not go. Will write you.

(Signed) Sylph.

I had no idea who "Sylph" was. I at once enclosed the copy to the Secretary of the Treasury. He proceeded to get hold of the original at Washington and at once, without disclosing what he had found, wired me to come to Washington. When I got there he showed me the original which was in Babcock's handwriting. This was the first knowledge I had of the possible connection of Babcock with the Whiskey Ring.

Bristow was exceedingly cautious and impressed me with the importance of being so myself, lest injury be done to Babcock and incidentally to the administration without further evidence. It was during this trip that I first saw Babcock. I called at the White House to pay my respects to the President, and was at that time introduced to Babcock. In the course of further inquiry it appeared that on one occasion McDonald enclosed in a letter directed to Babcock at Washington, a five hundred dollar bill and gave it to A. M. Everest (a collector for the "Ring") to mail. This Everest testified that he did, in a mail box on the corner of Fifth and Pine Streets. If such testimony was not contradicted, it went far to prove that Babcock was sharing in the frauds.

Babcock was defended by Chester H. Krum, Emory Storrs of Chicago, Judge Porter of New York, and

Ex-Attorney General Williams. Under the guidance of Storrs, a letter carrier by the name of Magill was found who testified that he unlocked (at the request of McDonald) the letter box and returned to him the letter that Everest had mailed. On cross examination it was shown that the box was not on Magill's route and that it was positively against the rules of the department for him to open it. The introduction of such a witness was a great surprise to the prosecution. No time was had to inquire as to the character of the witness before the close of the case. After the trial, however, it was ascertained that Magill had been a soldier in a Rhode Island Regiment during the Civil War, had been court martialed and dismissed from service, etc.

After the evidence was all in, Colonel Broadhead opened for the Government in a most excellent address. He was followed by Judge Porter and Mr. Storrs for the defense and I closed for the Government. All of the arguments were fairly reported in the newspapers, but as I recollect there was no official stenographic report made.

The burden of Judge Porter's address was what he called a defense of General Grant against the unjust attack on his Secretary, etc. Of course, there was no just ground for such a defense. No one had breathed a word against Grant. Porter had, for effect upon the Court and jury, built up a man of straw and proceeded in a most adroit manner to make it appear that Grant was the real defendant in the case. In answering Judge Porter, I attacked his man of straw and in doing so unwisely allowed myself

to tell a story. The story at the time seemed to fairly illustrate the situation. It was about as follows: "A young physician was called to see a woman in her confinement. After the young fellow left the house, he was asked by a neighbor how his patient was doing. He answered by saying: 'The child is dead, the mother will die, but by the grace of God I hope to save the old man.'"

This story reached the President and I am quite sure that it did not strengthen me in his estimation.

I was appointed United States Attorney by President Grant in the vacation of the Senate. When the Senate met in regular session in December, the feeling against Bristow and the prosecution was so bitter that the President never sent my name to the Senate for confirmation. He could not remove me while the Senate was in session, but without delay he proceeded to do so when the Senate adjourned in August, 1876. He appointed William H. Bliss to succeed me. Bliss was an assistant in my office, but he was lucky enough to give no offense to those in power.

General Bristow left the Cabinet of President Grant in (I think) April or May, 1876. He went to New York and engaged in the practice of law. The name of his firm was Bristow, Peet, Opdike and Burnett. The hostility of President Grant to Bristow continued and was caused solely by the relentless prosecution of Babcock, whom the President believed innocent of any wrong.

In New York, after both Bristow and Grant were out of office, they chanced to meet in a public place, where General Grant openly insulted Bristow by

abruptly turning from and refusing to speak to him. This hostility continued for a long time after that occurred.

What I am now about to relate was told me by General Bristow in his office in New York after the death of General Grant. He said that shortly before General Grant was removed to Mt. McGregor where he died, he received a note from him asking that he call at his residence in New York. This request, against the protest of Mrs. Bristow, he complied with. He found General Grant sitting in an invalid chair, all muffled up about the throat and head and suffering from cancer of which he finally died. As General Bristow entered the room, General Grant extended his hand and said: "General Bristow, I have done you a great wrong and I cannot afford to die without acknowledging it to your face. In the prosecution at St. Louis you were right and I was wrong." Thus it was that the friendship between the two men was restored. As Bristow told me the story, his eyes were filled with tears.

None but a brave and honest man would have done what Grant did. *He was an honest man.* He was a great soldier and a true patriot. Bristow was not only a great soldier but a statesman of marked ability. Both rendered much service to the country, for which a grateful people are thankful.

XI

LATER YEARS

Back to Kentucky — Early and Present Day Travel — Election Frauds in Saint Louis — Appointment to Prosecute — President Cleveland Convinced — The 1887 G. A. R. Encampment — President and Mrs. Cleveland attend the Veiled Prophet Ball — Fishing Anecdote — Gen. Joe Shelby.

When my father moved from Virginia to Missouri in 1841, with his family, he came through Tennessee and Kentucky, crossing the Tennessee and Cumberland rivers not far from Cadiz, the county seat of Trigg County, Kentucky. Here in this county his brother, Joel Dyer, had come a year or so before and settled about ten miles from Cadiz on as poor land as there was in the county. The two brothers, David and Joel, had married sisters, Nancy and Mary (Polly) Salmon. After stopping for a day or two in Trigg County, my father proceeded on his way to Missouri. From that time to July 1857, my mother and her sister had not seen each other. In the meantime, both brothers, David and Joel, had died.

In the summer of 1857, my mother determined to go to Kentucky and visit her sister. At that time I was nineteen years of age and accompanied my mother on this trip. We first went to St. Louis, where

we took a Cumberland River boat for Lineport, a point where the two states, Tennessee and Kentucky, touch, reaching this place after a journey of two days and two nights. Here we obtained a wagon and in it drove ten miles to the place where my Aunt Mary lived. After staying there a few days, I secured a horse, bridle and saddle, and rode to Cadiz, the county seat. Here I found other kinspeople by the name of Terry. They were well-to-do and had received liberal educations. The eldest daughter, Mary Terry, had married Henry C. Burnett, who at the time of my visit was a member of Congress from the First (Linn Boyd's) District. He was a man of ability, and having married the eldest daughter of Terry, who had died some years before, was looked up to as the practical head of the family. Mrs. Terry, before her marriage was Ellinor Dyer, a daughter of Benjamin Dyer another brother of my father. In this visit to Cadiz, I made the acquaintance of all the members of the Terry family, one of whom was named Emma. She afterwards married John Grace, dying a few years later. Mr. Grace was elected Judge of the Circuit, and afterwards a Judge of the Kentucky Court of Appeals. He never married a second time. He died at Frankfort while holding court. His wife was a most intelligent and lovable woman. I named my oldest daughter for her — Emma Grace.

There were four boys in the Terry family, Benjamin Dyer, Felix Grundy, Silas Wright and George Terry. Burnett nominated Silas to the Naval Academy at Annapolis in 1859. The Civil War came on in 1861. Burnett, who was a secessionist, left Congress and joined his fortunes with the South. All of the

Terry boys, except Silas, went into the Confederate Army. Silas stood by his flag and ship and reached the rank of Rear Admiral in the United States Navy before his retirement and death. This is but one of many thousands of similar incidents that occurred in the border States during the war. He was the only one of his family, and I, the only one of mine, that served the Union cause during the strife, while all of the others were serving the South.

Ten years later, in 1867, I made with my mother a second visit to Trigg County, Kentucky. We left St. Louis in a Tennessee River boat, destined for "Agnews Ferry" on the Tennessee River. After being on the boat two days, we arrived at the ferry about two o'clock in the morning. The night was very dark, and after following a man with a lantern up a very steep bank, we reached the hotel!!! This was a log house and the only residence in the place. There were a blacksmith and a harness-maker, but they boarded at the hotel. When breakfast was served by an elderly woman, the proprietress, there was an excellent pot of coffee. Two years had hardly elapsed since Lee surrendered to Grant, and the sectional feeling was still quite bitter and pronounced. I was not quite as cautious as I should have been while in the "enemy's country," and thoughtlessly complimented our hostess on the coffee, innocently remarking that "coffee was the only really good thing we had in the army." The old lady at once said, "What army was you in?" When I owned up to being in the Federal Army she did not touch a mouthful at that meal. The blacksmith made bold to ask, "What is the politics of your Governor?" I answered, "Re-

publican": his only further remark was, "God help the people."

However, we went in a wagon across the narrow strip that separated the two rivers at that point (nine miles), crossed the Cumberland River at Canton, and wound up at Cadiz, where I felt reasonably secure with Ben Grundy and George Terry, who had returned from the Confederate Army sadder but wiser men. After a ten days pleasant visit there and at Aunt Polly's in the country, we returned to Missouri, accompanied by Lucy, the youngest of the Terry girls. In going to Canton to take the boat, Lucy was accompanied by Mr. W. C. White, in a buggy drawn by a splendid mule. She was a year later made the wife of Mr. White. He is now a leading and well-to-do citizen of Trigg County.

In reviewing the incidents of the two trips to Kentucky, one sixty-four, and the other fifty-four years ago, I am brought face to face with a trip made in an automobile in August, 1921, from Memphis, Tennessee, to Grand Haven, Michigan, by a grandson of mine, Robert Hunting, and his wife and little son, my great grandchild. They crossed the Tennessee River at Agnews Ferry, and the Cumberland River at Canton, where I crossed fifty-four years before, they in a fine machine that ran at the rate of forty miles an hour and I in a wagon at the rate of five. They stopped in Cadiz long enough to see Mrs. M. A. McCarty, one of the Terry girls of my time.

The changes that have been wrought in that fifty-four years, not only in the means of transportation but in every other way conceivable are most bewildering.

ing, and it is hard to realize that we are in the same land.

GROVER CLEVELAND

When an impartial and truthful comparison is made of the various presidential administrations, that of Grover Cleveland will compare favorably with the best the country has ever had. The people were fortunate in having his services, and they will be doubly fortunate if the high standard of official duty that he established is maintained.

In November, 1880, Thomas T. Crittenden was elected Governor of Missouri for a period of four years. At that election, he was the candidate of the Democratic party while I headed the Republican ticket. At the election in November, 1882, a majority of Democrats were chosen to the Senate and House of Representatives, and they were in full control of the executive and legislative branches of the State Government. During the session that ensued, there was passed "An Act to provide for the Registration of Voters in Cities Having a Population of More Than One Hundred Thousand Inhabitants, and to Govern Elections and to Create the Office of Recorder of Votes, etc." This Act was approved by the Governor on the thirty-first of March, 1883.

The city of St. Louis was then, as it is now, largely Republican. The Democratic General Assembly and the Democratic Governor put their heads together to devise a scheme by which the Republicans of the city might be disfranchised, and Democrats put in control of the city government. An examination of the Act

above named will disclose the scheme planned and passed by the legislature, and approved by Crittenden, the Governor. It was a plot to put into the hands of the Democratic party the entire machinery for the registration of voters, the appointment of judges and clerks of election in the several wards of the city, and for the counting and return of the ballots. It was a partisan measure of the vilest and most reprehensible character, and richly deserved and received the condemnation of every citizen who believed in an honest ballot and a fair count.

Section 4 of that Act provided that a Recorder should be appointed by the Governor for the cities having a hundred thousand inhabitants for a term of four years from the first of January, 1883, and until his successor should be appointed and qualified, at a salary of twenty-five hundred dollars per year payable out of the city treasury of said city.

Section 11 provided that "An office for the registration of voters shall be opened in each ward, etc., as shall be provided by the Recorder of voters, etc., and the Recorder of voters shall appoint such deputy recorder of voters as he may require, whose duty it shall be to register such voters of the respective wards, etc." It further provides that the Recorder may appoint such other clerks and deputies as he may deem necessary, and such deputies shall hold office at the *pleasure of the Recorder*.

Section 13 provides that the Recorder shall appoint a Board of Revision, etc.

Section 18 provides that the Recorder shall appoint the judges and clerks of election in each precinct.

Section 21 provides that the Recorder within ten

days after the election take to his assistance two Justices of the Peace, who shall proceed to cast up the vote, etc.

So it will be seen that the Governor appoints the *Recorder*, and the *Recorder* appoints all *deputy recorders* to register the voters: that the *Recorder* shall appoint a Board of Revision and *all the judges and clerks* of election.

The Governor appointed Clarence Hoblitzell, Recorder, who had the absolute control of the election machinery in the city of St. Louis at and before the general election in November, 1884. How he discharged the duties of that office will hereafter be seen.

Grover Cleveland was the Democratic candidate for the presidency that year and was elected by a very narrow margin over James G. Blaine. At the election in St. Louis the grossest frauds, under the administration of Hoblitzell, were perpetrated. These were so pronounced and so well known that a feeling of great indignation was aroused among the honest men of the city, irrespective of party. This led to the appointment by reputable citizens of a non-partisan committee to aid in the prosecution of the scoundrels engaged in the perpetration of the frauds. John R. Holmes, recently deceased, was chosen Secretary and Treasurer of the committee and Honorable James O. Broadhead was employed as counsel.

Little progress was made in the State Courts looking to the prosecution and conviction of those implicated in the frauds. At that time a Federal Statute enacted by a Republican Congress and approved by a

Republican President was in force, making it unlawful to make a false registration of voters, or to falsely and fraudulently register and vote, or to fraudulently vote on the name of another, etc., etc., at any election for members of Congress or presidential elections, and provided heavy penalties for same. This was a wholesome statute and should be the law today. However, the Democratic party when in power in Congress repealed the statute on the ground that it was in violation of the rights of the States, i. e. "State Rights." This statute, of course, gave to the United States Courts jurisdiction to try and punish those offending against it.

The Republican party, although in control of both branches of Congress many years afterwards, never had the honesty and courage to re-enact that statute. Today the Federal Courts are without jurisdiction to punish repeating, false voting, false registration and the like.

At the general election in 1884, as before stated, Mr. Cleveland was elected President over Mr. Blaine by a very narrow margin. Honorable A. H. Garland, of Arkansas, was his first Attorney General.

The Citizens Committee before mentioned did all in its power with the aid of its distinguished attorney, Colonel Broadhead, to bring to punishment in the State courts the perpetrators of the frauds committed at the election in November, 1884, but without avail. The committee found that the court machinery was practically in the hands of those who had conducted the frauds or were the recipients of place by such means. The efforts of Colonel Broadhead to uncover the frauds and to bring to punishment the

guilty ones coming to naught, an effort was made to have the Federal Court take up the matter under the statute before recited. Colonel Broadhead laid the facts before the President, Mr. Cleveland, and asked his aid. The appeal did not fall on deaf ears.

Thomas P. Bashaw of Monroe County was appointed by Mr. Cleveland, United States Attorney for the Eastern District of Missouri. It therefore became his duty to prosecute all violators of Federal laws and to bring to trial those who perpetrated the frauds at the election. After this appointment, the President (as I was told by Senator Vest) sent for Senators Cockrell and Vest and told them that he had determined to have a full and fair investigation of the charges of fraud made by Colonel Broadhead and that he wanted it to be non-partisan in character. He then said, "I have appointed upon your recommendation a Democrat for United States Attorney and I now want you to recommend a Republican to assist him." I was recommended and duly appointed.

The first knowledge I had of this came to me on Monday, January 10th, 1887, through a reporter on the St. Louis Republican. On the twelfth of January I received the letter of appointment signed by Attorney General A. H. Garland. I accepted this and at once took up before the grand jury, the charge of fraud alleged to have been committed at the November election in 1884. The investigation was quite thorough and lasted for some time, the State law requiring that each person registering as a voter should, in addition to giving his full name to the registrar or deputy recorder, give the place of his residence, his street, house number, etc.

The grand jury ordered a *subpoena duces tecum* for the production of all the books of registration, poll books, etc., used at the election in 1884 in the custody of the city registrar. That officer was an old confederate soldier and an honest man. He responded with alacrity, and the grand jury room was soon full of the books and papers required, together with the lists of registration made by ward employes, most of whom were political "ward peelers." The inquiry also involved an examination of the official proceedings of the board of revision of which Hoblitzell was chairman.

To examine the thousands of names appearing upon the list of qualified voters, their places of residence, street and house numbers, imposed great labor upon the grand jury and the Government's attorneys. Soon the fact developed that thousands of names appearing upon the lists of qualified voters, as shown upon the original registration books, were written by one and the same hand; that is, many names on each of the election precincts in each ward were written by the same person. To ascertain the name of the party in each of the precincts who had written the names became the most important inquiry.

Certain persons appointed by Hoblitzell were suspected. To prove the hand writing of such persons became absolutely necessary to convictions. This could only be done either by witnesses who were acquainted with the handwriting, or by witnesses who had seen the suspected party write. I employed, by the aid of the Citizens Committee, F. W. H. Wieseahn, an expert in handwriting, who proved to be a master in his profession. The grand jury re-

turned many bills of indictment. After the trial and conviction of several, others pleaded guilty.

Those who stood trial and were convicted were: Egan, Prendergast, Morrissey, O'Toole, Mallory and Multaney. Egan was sentenced to the penitentiary for two years, while the others were given shorter terms.

The requirement of the State law that the place of residence, street and house number of the voter should be given, was diligently inquired into by the grand jury. It was found that the false and fraudulent lists of voters were given residences in vacant lots, saloons, bawdy houses and other impossible and disreputable places. From *one* of these alone (a bawdy house) there were thirty-eight names registered as legal voters, though there was not a man a permanent resident of the place. This was only one of many disreputable places where such condition existed.

The manipulators of the false registrations and false voting used several city directories in getting the names of "qualified voters." That of the city of Louisville, Kentucky, was the most extensively used. The first name appearing upon the list as qualified voters at the disreputable bawdy house above described, was that of the distinguished and well known Kentuckian, Luke P. Blackburn. The result of these frauds put men in office who were never elected and the "Sacredness of the Ballot" under Missouri court decisions was effective in preventing the opening of the ballot boxes and a consequent exposure.

The frauds were many and most infamous, and the grand jury probed the matter to its very bottom.

The law was so framed that it furnished a shield to the most guilty. The services of the Citizens Committee and of Colonel Broadhead, its attorney, were invaluable, and of incalculable aid to the prosecution. After the trials were concluded, I went to Washington to take up with the Attorney General the subject of my compensation and its payment. I took with me letters from Judge Amos M. Thayer, and others as to length of time the investigation had taken and of the character and importance of the work I had performed. On the morning after my arrival in Washington, I called at the White House and for the first time met Mr. Cleveland. I told him the purpose of my visit, which was to get a fair allowance from the Attorney General for my services. I jocularly said that I came to him first with the view of enlisting his good offices with the Attorney General in fixing my fee.

He replied by saying, "You know what Mr. Lincoln said when appealed to, to use his influence with Secretary Stanton, 'I have very little influence with the present administration.''" I told him of the letters I had to the Attorney General, etc. He said, "Leave them with me, I want to see them, and as this is Cabinet day I will hand them to the Attorney General." He asked me to call again at three o'clock, as he wanted to talk with me fully about the work done. Promptly at three I saw the President in his office. He asked me about the law and in what way the frauds were committed. I explained as fully as I could the law under which the registration and election was held and the facts as developed by the evidence together with the results attending the

prosecution. He wanted to know if any Republican had been indicted and tried. I said, "No." He then said, "This is a little strange, for Vest told me that you would as soon prosecute a Republican as a Democrat." I replied by saying that it would give me *more* pleasure to prosecute a Republican than a Democrat for stuffing a ballot box for they had been better taught.

Then I explained to him that under the law one man, and he a Democrat, had control of all of the election machinery so no Republican had the power to commit frauds at the election. This seemed to satisfy him and he picked up a bundle of papers lying on his desk and said, "This is an application for the pardon of one of the rascals now serving a term in the penitentiary based upon the ground that he is suffering from consumption, and that his release is necessary to save his life." He threw the papers down, and with a stroke of his clenched, Presbyterian fist on his desk, said, "The d—d scoundrel may rot before I will pardon him."

The Attorney General adjusted my account and I returned to St. Louis.

The result that followed the exposure of fraud, the indictment and conviction of certain election officers, led finally to fairer and better laws during the administration of Governor William Joel Stone.

In August, 1887, the Grand Army of the Republic met on annual encampment at St. Louis. To this encampment the President of the United States and other distinguished officials, civil and military, were invited by the local committee of citizens having in

charge all arrangements for the meeting and the entertainment of guests. This committee was composed of leading citizens irrespective of party and it numbered in its membership men who had served in both the Federal and Confederate Armies.

Mr. Cleveland, as President, had found it to be his duty to veto many acts of Congress giving pensions to soldiers who had served in the Union army during the Civil war. This aroused much opposition and ill feeling among members of the Grand Army, led by one, Tuttle, candidate for governor of Iowa, 1864, who made a vigorous protest against the President. The committee refused to pay heed to the protest and the violation stood. General William Tecumseh Sherman, then a resident of St. Louis, denounced in severe terms the action of Tuttle and declared, in a letter then published, that no loyal soldier of the United States would be guilty of an offense against the "Commander in Chief of the Army and Navy." That, for himself, if the President came, he would take a place beside him in the reviewing stand. The President, learning of the protest, gracefully declined to visit St. Louis during the encampment, but graciously accepted for himself and Mrs. Cleveland an invitation to attend the Veiled Prophet Ball early in October. The President and Mrs. Cleveland were present at the ball. While they were in St. Louis, other entertainments were tendered them, among which was a boat excursion on the Mississippi River. It was my great privilege and honor to escort Mrs. Cleveland aboard the boat on that occasion. She was a beautiful and accomplished woman, with a vast amount of good common sense. She conducted

herself in such a charming, gentle and democratic way that she won the hearts of all with whom she and her husband came in contact.

Mr. Cleveland was nominated for re-election by the Democratic Party in 1888, but was defeated by General Benjamin Harrison of Indiana. At the election in 1892, Mr. Cleveland defeated President Harrison and entered upon his second term on the fourth of March, 1893.

I was a delegate at large from the State of Missouri in 1888 to the National Republican Convention that met in Chicago, and at that convention, I voted on every ballot for the nomination of Judge Walter Q. Gresham. Harrison was nominated on the eighth ballot, I think. I knew Judge Gresham quite well before the convention met, and greatly admired him for his fine qualities of mind and heart. Before and after the convention we were good friends. He and Harrison were "not in love with each other;" however, he abided by the action of the convention and supported Harrison.

In 1892 he supported Mr. Cleveland for the presidency against Mr. Harrison. Mr. Cleveland was elected and thereafter appointed Judge Gresham to the first place in his cabinet, as Secretary of State. The two became warm and congenial friends. Each of them was fond of a joke. On one of my visits to the Secretary, I told him of an Irish friend of mine in St. Louis by the name of Dooley. Dooley was a Democrat, but became greatly disgusted with Mr. Cleveland during his first administration. In the days of "Soup Houses" I met Dooley on the street. He said, "Colonel, what is to become of the

country?" I answered that I hardly knew. He then said, "What is old Cleveland doing but *fishing*. I can buy more fish for twenty-five cents than he can catch in a week's time, and yet he leaves Washington while the country goes to the d—l."

On another occasion I saw Dooley and he said, "Colonel, what is all this I see in the papers about 'Paramount Blount' under the direction of Cleveland putting a *queen* back on her throne in the Hawaiian Islands?" "Yes," I answered, "they have put Queen Lil back on her throne and I am astonished that you, a Democrat, are making a fuss about it." He then replied, "I am opposed to all kings and all queens, and I am told that Queen Lil is morally unfit and nothing but a d—d *nager* at that."

Poor old Dooley is dead and gone, but when here he gave me many an hour of keen enjoyment.

Shortly after I told these stories to Judge Gresham, I went with him to the White House. He there insisted against my protest that I tell the Dooley stories to the President. Both the President and the Secretary seemed greatly pleased at the recital.

During the second administration of Mr. Cleveland, General Joe Shelby of Confederate cavalry fame, was an applicant for United States Marshal for the Western District of Missouri. Many members of the military order of the Loyal Legion and of the Grand Army of the Republic in Missouri signed a petition to the President, asking for the appointment of Shelby. He was also endorsed by many leading democrats of the State. General Shelby went to Washington to urge his own appointment, and I happened to

be in Washington at the same time. He knew of my personal relations with Gresham and asked me to solicit for him the support of the Secretary. I made an appointment to call with him on Secretary Gresham the following morning. This I did, and the two old soldiers, one a Federal and the other a Confederate, met for the first time.

Gresham told Shelby that the appointment he was seeking belonged to the Department of Justice and that he did not think it would be proper for him to interfere. The meeting was a very pleasant one, and it could be easily seen that the heart of the Federal General went out in sympathy to the Confederate General. At the conclusion of this conference, the Secretary said he had an appointment with the President and kindly asked me to accompany him to the White House. I accepted his invitation. After meeting the President, the subject of Shelby's application was mentioned and he was told that I favored it. The President asked me how it came that so many Federal soldiers favored Shelby's appointment. I laughingly said that inasmuch as there was but little chance for the appointment of a Federal soldier, they being republicans, they favored the next best thing, the appointment of a fighting Confederate soldier.

The President then said that he had been informed that Shelby drank too much whiskey. I warded off this blow by laughingly saying that I did not suppose that *that* question would be seriously considered among *Democrats*. Shelby was appointed, made a most excellent officer and "died in the harness."

Altogether, my acquaintance with Mr. Cleveland

was most pleasant. I formed a high opinion of his ability, honesty, integrity and courage. The country would be better off if there were more of his kind in official positions. "A public office is a public trust."

XII

CALIFORNIA AND THE WEST

Gen. William T. Sherman — Departure for the West — The G. A. R. Encampment at San Francisco — Bishop Tuttle in Salt Lake City — My Colorado Legal Cases — Justice Miller and Judge Usher Clash — Gen. Sherman as Host.

The annual encampment of the Grand Army of the Republic was held in San Francisco, in August, 1886.

General William Tecumseh Sherman had been retired from the United States Army and was a resident of St. Louis, living in a splendid home on Garrison Avenue that had been presented to him by citizens of St. Louis, in consideration of the distinguished services by him rendered to the country during the Civil War. He was a member and the first Commander of Ransom Post, Grand Army of the Republic at St. Louis, which was named, upon the recommendation of General Sherman, for General T. R. Ransom, a distinguished soldier who served under him and who died in that service while on "Sherman's March to the Sea."

I was one of the "Charter Members" of Ransom Post and lived within three blocks of General Sherman. It was my great privilege and honor to know him personally and I was, seemingly, a welcome visi-

tor at his house. As the time approached for the annual encampment of the Grand Army at San Francisco, great interest was made manifest by its members and by others, as well, who were attracted by the low railroad rates that were allowed for those visiting California at that time. General Sherman left for San Francisco in the early part of July. After reaching there, he wrote me the following letter:

PALACE HOTEL

San Francisco, July 7, 1886.

Dear Dyer:

I left St. Louis Thursday evening July 1, and arrived here yesterday at noon — four and one-half days — with as little fatigue as if from St. Louis to New York.

I am very anxious that you should come out with the St. Louis delegation. Come by the Wabash to Omaha, thence by the Union & Central to San Francisco and straight to this, the Palace Hotel, *the best in the world*. If I know of your coming I can make suitable arrangements for you and any of your comrades at this Hotel, and if crowded, which is hardly possible I can give you a good room in the suite assigned to me. Notwithstanding the allurements of this City and of California I am sure you will return to old Pike with increased faith in its destiny — the treeless plains, the sagebrush desert and tiny patches of green made by casual springs, will make you love the land of the oak, hickory, walnut, etc., all the more.

Last night, though still covered with the dust of travel, I had to speak to the Grand Army Post, and tonight must go to the California Pioneers, of which society I am one of the ancients, and must move on to secure the rest which I seek.

Come and help me, for we must make the
“cause” glorious and transcendent.

Your friend,
W. T. Sherman.

I had never been in California and upon the receipt of this letter determined to go and attend the encampment. I decided to take with me my wife and my two oldest children, Erza Hunt and Emma Grace. Mrs. Ann Kercheval, a near neighbor and friend of my family, and Miss Nannie Broadhead, daughter of Colonel James O. Broadhead, my old preceptor, desired to go in company with us.

Mrs. Kercheval was a daughter of Eleazor Block of Bowling Green. Block had several children, some of whom had gone to California the year of the gold excitement. They were Emanuel, who a few years before this trip died and was buried at San Francisco, Elias, Sallie, who had been one of my wife's bridesmaids and had married William H. McCormick, and James N. Block. All three of the last named were residents of San Francisco.

Mr. Eleazor Block in his lifetime had been the owner of slaves and one of these was a woman named Rachel. In addition to raising two children of her own, two sons, she was the nurse for each and every one of Mr. Block's children. Aunt Rachel's two boys grew to manhood and at the beginning of the Civil War enlisted in the Union Army. One of them was killed in battle and the other died of disease in camp. Aunt Rachel received quite a pension from the Government on account of her deceased sons and this pension was carefully invested for her by William B. Dean, a son-in-law of Mrs. Kercheval.

The old negress then lived in St. Louis and hearing of my proposed visit to California, came to my house and asked the privilege of going with me, saying, "I always promised myself that if I ever had money enough to pay my way, I would go to the grave of Mars Emanuel and make a visit to my other young masters and to Miss Sallie in California." She said that she had plenty of money for her fare and wanted to go along with me and "Miss Ann." Of course I said "Yes" to her request and promised to see her safely through.

The day to start came and with a full basket of eatables from each of the houses of Kercheval, Broadhead and myself, the party, including Aunt Rachel, took a train on the Wabash Railroad to Omaha and from there over the Union Pacific to San Francisco. Thousands of persons availed themselves of the opportunities offered and went to California. I secured a berth for Aunt Rachel in the same car with the rest of the party. The roads were taxed to their full capacity in taking the great crowds across the plains and mountains. In passing through the treeless plains and sagebursh deserts, the attention of Aunt Rachel was called to the character of the land. Her only remark was, "I would not give one acre of land on the Bowling Green prairie for all that I see here."

The Blocks knew of the coming of their sister, but did not dream of seeing their old Mammy, Aunt Rachel. When the train late at night pulled into Oakland, Elias, Sallie and Jimmie Block were waiting at the dock and greeted their sister and the rest of the white contingent with great warmth. Aunt Rachel had covered her face with a veil and stood

back while kisses were being showered on others of the party. After a little while, I lifted the veil from the face of the old black Mammy. The scene that followed beggars description, and if any one there ever doubted the affection that existed between the "young masters and young miss" and the old black Mammy, it was speedily dispelled. God holds somewhere in the great unknown a place where such spirits may meet.

Arriving in San Francisco, my wife, son, daughter and myself went straight to the Palace Hotel. The rest of the party was taken in charge by friends. It was about midnight when I registered. The clerk recognized the name and said he, at the instance of General Sherman, had reserved for me two rooms. These were on the parlor floor not far removed from the suites occupied by General Sherman and his daughter. They were large and handsomely furnished. Having had some experience at hotels in Chicago and elsewhere with large crowds, and the prices demanded, I laughingly said to my wife, "We may be able to stay here the *rest* of the night."

Early the next morning I asked the clerk what rates he was making for these two rooms. I was perfectly surprised and greatly pleased to hear him say, "two dollars for each person." It has now been thirty-five years since I first went to San Francisco and it is but just to say that the Grand Army was never as well treated at any encampment as it was in that city in 1886.

The two weeks of my stay were filled with interesting events.

The address of welcome to the Grand Army, made

by a lawyer named Stewart, was beautifully eloquent and stirred to its very depths the patriotism of the thousands who heard it. His allusion to Senator Baker of California, who was killed at the Battle of Ball's Bluff, touched the hearts of all Californians as did his allusion to California's most beloved son, Senator Broderick, who was killed in a duel with Judge Terry. The address was indeed a masterpiece. The proceedings of the encampment were interesting and concluded by naming, through the influence of General Sherman, St. Louis as the place of meeting in 1887.

While in California we visited many places of interest including Monterey, Hotel del Monti, the Big Trees, etc. In San Francisco we watched from the Cliff House the great seals as they fought each other for places on the rocks that stood up above the waves of the ocean. In the Quartermaster's Steamer McPherson, we made the rounds of the Bay; saw Alcatraz, the great rock that rises to such height from the bottom of the Bay, and watched the teams and wagons ascend this rock over a road that had been carved out of its side. From Telegraph Hill we had a fine view of the Bay and of the Golden Gate. We also visited and were shown through Chinatown, one of the big sights in that day.

After a two weeks' most delightful visit we started on our way home via Salt Lake City. Here we stopped for a day and night, took a bath in the great lake, visited the Mormon Temple, and in the afternoon drove out to Fort Douglas, an army post that overlooked, and whose guns commanded the city. On our way back to the hotel we called at the residence

of Bishop Daniel Sylvester Tuttle and met him and Mrs. Tuttle for the first time. He had long been a Missionary Bishop in Utah, Montana and Idaho. In May before our visit, Bishop Tuttle had been chosen Bishop of Missouri. The convention was held in St. George's Church in St. Louis. I was one of the delegates from the Church of the Holy Communion and voted for Bishop Tuttle.

In the evening our visit was returned by the Bishop and his wife. The next morning we took the Narrow Gauge Railroad for Denver and passed through the Black Cañon and the Grand Cañon of the Arkansas on the way.

We stopped for a day at Colorado Springs visiting the "Garden of the Gods," the Utah Pass and the springs at Manitou, but did not attempt to climb Pike's Peak. From there we returned to St. Louis via Denver.

At this day the reference to and description of such a trip does not appeal to many. But at that time it was full of interest to those fortunate enough to make it.

My first visit to the Rocky Mountains was in the year 1879. I went there in the interest of a client, to collect for him quite a sum of money from a gentleman who had formerly lived in Missouri but who was then a resident of Colorado and largely interested in the mines at Leadville. I was not only successful in the matter that took me there but was employed by certain persons, including the one from whom the collection was made, to represent them in certain litigations then pending and others that threatened.

This business required me to be quite often in Col-

orado. During these visits I became acquainted with some of the noted characters of that day. The most distinguished of the group was Judge Moses Hallet. He was the United States District Judge at the time and prior to the admission of the State into the Union had been territorial judge. After the discovery of silver at Leadville and elsewhere he sat in cases that involved millions of dollars. The State was full of adventurers, men who would not hesitate, if they could, to corrupt men in public position, if by doing so they could reap advantages to themselves. Hallet was brave and incorruptible. From the day he first went upon the bench, until the day he died not a breath of suspicion ever attached to any act of his as judge. He was of a type that present and future administrations should continually have in view. So long as our judges are honest in the discharge of duty, so long will the Government of our fathers endure. When the courts become corrupt, then free government will cease.

In company with Honorable John W. Noble, a distinguished lawyer of St. Louis and subsequently Secretary of the Interior in the Cabinet of President Harrison, I went to Denver to attend a term of the Federal Court. Noble and I were together in quite an important mining case.

On our way out, at Lawrence, Kansas, a car was attached to the train upon which we were travelling. We soon learned that it was the private car of Judge Usher, then the legal representative of Jay Gould in certain railroad properties in Colorado and other States. In the car with Judge Usher was Mr. Justice Miller of the Supreme Court of the United States.

The Justice was going to Denver to sit with Judge Hallet. Both Usher and Miller were at one time appointees of President Lincoln, the former being made Secretary of the Interior and the latter a Justice of the Supreme Court of the United States. They were warm friends and both were personally known to General Noble and myself so we made a visit to them in the private car and were handsomely entertained.

Arriving at Denver and going to the court room, we ascertained that a railroad case involving the right of way through the Grand Cañon of the Arkansas was to be heard. The real parties in interest were, as I now remember, the Atchinson, Topeka and Santa Fe Railroad Company on the one side, represented by C. Beckwith of Chicago as counsel, and the Denver & Colorado Railroad Company (at that time a narrow gauge road), represented by several lawyers whose names I do not recall. A state district Judge by the name of Bowen, who afterwards was a United States Senator from Colorado, had prior to this time appointed a man by the name of Hunt, receiver of the Denver & Colorado Railroad who was in possession of the property. It was in this latter property, as I afterwards learned, that Jay Gould was interested.

The State Court having taken over the property, a question of jurisdiction arose as to whether the Federal Court had jurisdiction to determine the question of the "right of way" through the Grand Cañon. Justice Miller and Judge Hallet occupied the bench. The case was ably argued by Mr. Beckwith in favor of the jurisdiction and by several repre-

senting the receiver against it. In the course of the arguments Justice Miller asked questions that clearly indicated that he was agreeing with Mr. Beckwith. When this became apparent to Judge Usher, the old-time friend of Justice Miller, he arose in court, without stating that he or his client, Gould, had any interest in the result and said, "I desire to speak as a friend of the Court. I greatly fear that if the Court holds jurisdiction it will lead to bloodshed because the State Court has already taken possession of the property and appointed a receiver. Such a conflict would be deplorable and as a friend of the Court I ask that it be avoided."

This aroused Justice Miller and with great feeling he said, "Judge Usher, do you intimate that the orders of this court, whatever they may be, will be resisted by any citizen of Colorado, or any other person? I state to you that the orders of *this* court will be enforced if it takes all the powers of the government, civil and military, to do it. And if you or any one else interferes you *will take the consequences!*" These were "words with the bark on," and every one got ready "to stand from under." A lawyer, who was a Jew said to me in a whisper, "No taffy catches that old fellow!" The court retained jurisdiction, and ousted Hunt from the receivership.

The case that Noble and I had, came on for trial before the two judges and the decision was in our favor. Our chief opponent was Judge Grant, of Davenport, Iowa, an old acquaintance and friend of Justice Miller. The Justice was very fond of Grant, as every one knew, but that fact had no bearing upon the case. Justice Miller was very fond of playing

whist. After he had decided the case in our favor, he invited Judge Grant, Noble and myself to come to his room for a game. We accepted the invitation and Judge Grant and I played against Justice Miller and General Noble. Grant and I beat them very badly, and at its close Miller said to Grant, "Well, Judge, you have beaten me at whist, but I hold over you in court, don't I?" Grant had to "acknowledge the com."

Justice Miller had a great admiration for Judge Hallet. I heard him say in the Supreme Court at Washington one day, "I have as much confidence in Judge Hallet in mining cases as I have in Judge Treat in patent cases."

Justice Miller was one of the greatest men of the Supreme Court. He was stern on the bench but as sweet and gentle as a child when off. Among the most important cases decided by him was that of Nagel, a deputy United States Marshal, who shot and killed in California Judge Terry, who was attempting the life of Justice Field. This occurred in a hotel between places where Justice Field held court. The State of California through its attorney, demanded that Nagel be tried before a jury of the State Court. This demand was resisted by Nagel, who claimed that if tried at all he should be tried in the Federal Court. Thus the question of jurisdiction was raised. Justice Miller delivered the opinion of the court holding that the Federal court alone had jurisdiction.

After this decision I met Mr. Justice Field in the office of the Secretary of the Interior, General John W. Noble. He was greatly pleased, of course, with

the opinion of Justice Miller. He spoke of the killing of Senator Broderick by Terry in a duel during the administration of President Buchanan. Terry was a southerner and an appointee of Buchanan. Broderick was a supporter of Stephen A. Douglas against Buchanan. The duel was sought by Terry and he challenged Broderick. Broderick was mortally wounded in the conflict, dying a short time after. Senator Baker delivered an oration at the grave of Broderick. Among other things he said, "The last words of Broderick to me just before his heart ceased to beat were, 'They have killed me because I was opposed to slavery and a corrupt administration.' " General Baker was killed at Ball's Bluff during the Civil War. This oration by Baker and the opinion of Justice Miller were published in a pamphlet by Justice Field. Judge Terry was a man of ability, but was educated to believe not only in the right of one man to own another but in the right to take the life of a fellowman for some real or supposed insult. Happily for humanity, such teachings have become offensive to all persons of education and refinement.

Years ago it was the custom and practice of Justices of the Supreme Court to visit their respective circuits and assist the district judge in holding court. Justice Miller frequently came to St. Louis and sat with District Judge Treat. He was in St. Louis shortly after Judge Brewer was appointed Circuit Judge, when all three sat in court.

I invited these judges, together with a few lawyers of the St. Louis bar, to dinner at my home. Among the lawyers invited was my old friend and preceptor, Honorable James O. Broadhead. He advised me as

to the particular kind of liquor to serve as Justice Miller never drank but one kind and that was whiskey, while Judge Treat never drank anything but brandy. Of course these were served at dinner. After dinner Justice Miller, Colonel Broadhead, General Noble and Judge Thayer engaged in a game of whist in the back parlor, while the rest of the party indulged in a game for small stakes in the front parlor. I was in this game and became so deeply interested that I forgot to "pass the drinks." Finally Justice Miller called to me and said, "Dyer, have you forgotten what the Governor of South Carolina said to the Governor of North Carolina?" This was sufficient and his favorite brand was passed to him.

Another amusing incident occurred at a dinner given by General Sherman complimentary to a congressional committee that visited St. Louis, composed of Governor Curtin, the "war Governor" of Pennsylvania; Congressman Kellogg of Connecticut; and James N. Burns of Missouri. A dozen St. Louisans, including myself, were invited. We were on hand at the proper hour but the guests of honor were not so prompt. After waiting fifteen minutes beyond the time for the committee to arrive, General Sherman said to us, "Gentlemen, walk out to dinner. I have waited longer than I should for the committee and I will wait no longer." We went in and were seated at the table and served with oysters and soup before the committee was announced by the butler. When they came in Sherman said to Governor Curtin, its chairman, "Curtin, you have been Governor of a State, Speaker of the House, and Minister to a foreign Court, and you ought to know when to come to din-

ner!” Governor Curtin was profuse in his apologies. Sherman then said, “Take your seats, but you will not be served with oysters or soup, but start on the next course with others at the table!” And so they did.

XIII

OKLAHOMA, 1901

Drawing of Lands in Kiowa and Wichita Reservations — Fifty-thousand People and no Accommodations — Report of the Committee — Twenty Years Later — Trip to The Yellowstone, 1902.

In June, 1901, I took my family to Grand Haven, Michigan, for the summer. The first visit I made to that place was in the summer of 1875, and this I have repeated (with the exception of two or three summers) every year since. The climate is cool and pleasant, and I have never found any locality more desirable for comfort and rest in the months of June, July, August and September. While practicing law, it frequently became my duty in summer to go back and forth at intervals. In July, 1901, I went on one of these visits to St. Louis intending to remain but one or two days and then to return to my family. However, the morning I arrived, July 17th, I found under the storm door of my house, which was closed for the summer, notice of a telegram. At the telegraph office I found the following:

Washington, D. C.
July 15, 1901.

Colonel D. P. Dyer, St. Louis, Missouri.

Will you act as one of the Committee of three referred to in the President's proclamation, to

supervise the drawing on the 29th instant for lands in the Kiowa and Wichita reservations? Compensation twenty dollars a day and expenses. Committee to meet at El Reno on the 26th instant to arrange details. Keep this confidential and answer quick.

E. A. Hitchcock,
Secretary.

Being absent from the city on the 15th, I did not receive the message. On the 17th, I received the following:

Washington, D. C.
August 17.

Colonel D. P. Dyer, St. Louis.

Important I should have immediate reply to telegram of the 15th.

E. A. Hitchcock,
Secretary.

The weather at the time was exceedingly hot, and I hesitated to accept the tendered appointment. However, I sent the following to the Secretary:

Sorry my absence caused you inconvenience. If you think I can be of service to the Government, I will accept.

On the 20th, I received this further message from the Secretary:

Your appointment will be mailed you today. Your Associates will be Asst. Com. Richards and Honorable Frank Dale of Guthrie, Oklahoma.

Then came the following:

DEPARTMENT OF THE INTERIOR,
Washington, M. R. B.
July 18, 1901.

Honorable David P. Dyer,
St. Louis, Missouri.

Dear Sir:

I have the honor to inform you that you have been selected by me as one of the committee of three persons to have the supervision and immediate observance of the drawing to determine the order in which registered applicants will be permitted to make homestead entry of the public lands in the El Reno and Lawton land districts in Oklahoma, and you are hereby appointed a member of said committee. You will be allowed a compensation of twenty-five dollars a day while employed in this service, with actual expenses of travel, and three dollars a day in lieu of subsistence.

This action is taken in conformity with the President's proclamation of July 4, 1901, and the provisions of the law for protecting public lands from illegal and fraudulent entry and appropriation.

(Stat. 56th Cong., 2d Sess., p. 1158.)

You are requested to take and subscribe an oath of office, and to report at El Reno not later than the 26th instant. A copy of the President's proclamation is inclosed.

Very respectfully,
(Signed) E. A. Hitchcock,
Secretary.

On the twenty-second day of July I left St. Louis for El Reno and arrived there on the afternoon of the 23rd, where I found and became acquainted with my associates, Commissioner Richards and Judge Dale. Richards had been at one time Governor of

Wyoming and Dale a Judge of the Territorial Court of Oklahoma, appointed thereto by President Cleveland. They were both excellent men, one a Republican and the other a Democrat. There were also present a large force of clerks from the Land Office at Washington to assist in the drawing. This proved to be the most interesting public service that I had ever undertaken or been concerned in.

The number of people attending that drawing who were actually present at the time exceeded more than fifty thousand. They came from every part of the country, nearly everyone of whom was an applicant for land. Photographs were taken at the time of the members of the committee, of the platform and the boxes used and the vast crowd of people present. These photographs are in the Land Office at Washington, but I was fortunate in getting copies for my own use. Those who care to may follow up this episode for themselves.

The first gives a fair likeness of the three committeemen, Richards in the center, Dale on his left, and myself on his right. The second gives a view of the platform and the boxes, and the third a partial view of the vast crowd in attendance.

The vast territory comprising that great number of acres of land was at the time unimproved, and had been the home of roving bands of Indians and great herds of buffalo. The town of El Reno where the drawing was held, was a small place with only a few hundred inhabitants. More than fifty thousand persons gathered in and about this little town during the drawing. Many had arrived in every sort of con-

veyance and thousands came on foot. They were there hoping to get lands upon which they could make homes.

Men slept on the open ground, in the streets and alleys and in vacant lots. Houses were inadequate to shelter even a small percent of the "visitors." The water gave out in the principal hotel of the place, where the committee and clerks were quartered, as well as elsewhere in the town. Rather than run chances of taking typhoid fever (several of the clerks from Washington did take it and one or two of them died), I had a cot put on the platform where the drawing took place, and slept there instead of in the hotel. Of course, this platform where the boxes were put was well guarded by Deputy United States Marshals and ropes were drawn about it to keep back intruders so I was in no danger from outside interference. As I have said, men slept on the ground in front of the platform, as well as elsewhere. The night before the drawing began, two men spread their blankets and made their beds nearer to the platform than the rules allowed. My attention was called to them by a Deputy Marshal, and I was asked whether they should be removed. I told the Marshal to wait and see what they would do. After the beds were ready for occupancy, one, and then the other knelt in prayer and it had never been my fortune to listen to a more beautiful and touching petition than was then made. He, among other requests, asked God to direct those in authority to discharge their duties in such a way that peace, justice and prosperity would come to the people of the Territory, etc. I shortly learned that

these men were missionaries from two different church organizations. It is sufficient to say that I did not direct the Marshal to remove them.

In addition to other discomforts occasioned by the great number of people that came to El Reno, it was impossible to get a bath in the hotel or elsewhere. I found a most excellent bath house some five miles north-west of El Reno. It was at an Indian School that was being conducted by the Government. Old friends and acquaintances of mine, Colonel and Mrs. Jones, formerly residents of the State of Alabama, were in charge of the school. Colonel Jones had been an officer in the Confederate Army and had been appointed to the position of superintendent by President Cleveland. I am glad to say that I contributed what influence I had with General John W. Noble, Secretary of the Interior in President Harrison's Cabinet, for the retention of the Colonel and his most excellent wife. At the time I was in El Reno the school year at the Indian (Comanche) School was in recess, and the children had gone to their parents. Thus I had plenty of room and most excellent baths.

The drawing took place in an open street that faced a natural amphitheatre, which enabled the thousands assembled to see how the drawing was conducted. This public arrangement for the drawing was made by the committee for the purpose of satisfying the people that the "deal was square," and that no favoritism would be shown. The boxes containing all of the envelopes were so arranged that they could be turned over and over as the drawing proceeded, and by that means the contents fairly mixed and separated. The first envelope taken from the box

was handed by the boy at the aperture to Richards, who passed it to Dale, who, with a pair of shears opened it and took out the card containing the name and description of the applicant. This *out of respect to my voice*, Dale handed to me, and I announced it to the crowd. The person named in the card had first choice of the land in the district, to-wit: a quarter section or 160 acres.

The man whose name was first read was a Virginian by birth, his post-office address being at some place in the then Indian Territory. He was five feet, eight inches in height and had black hair and eyes. Being on the ground when his name was called, he made his way through the vast crowd to the front of the platform upon which we stood and was vigorously cheered by the great throng.

I congratulated him upon his good fortune and undertook to "jolly" him as the boys would say. In substance I said to him, "You were born in the good State of Virginia, a State that was the birthplace also of Washington, Jefferson, Marshal, Lee and *myself*. I hope that you will honor that State by giving to this rich and beautiful territory a good and law abiding citizen and, if consistent with your political views, vote the *Republican ticket*." These remarks created some merriment among the thousands of people there assembled. The fortunate fellow said, "I thank you for your congratulations but I can't vote the Republican ticket for I am a dyed-in-the-wool Democrat of the Bryan free silver kind." This reply was received with great applause and I concluded that I had been worsted in the fight.

The next name drawn from the box was that of a

woman residing at Wichita, Kansas. In this way the drawing continued for several hours until the people saw how fairly the selection was being made. It was then continued rapidly by taking the names and posting them in several places on the grounds where they could be seen. This continued until the last name in the boxes was drawn. Of course, there were more applicants than could receive lands, but the names of all were drawn and numbered. Every acre of the more than two million, was selected. While much of the land was very desirable yet some was of little value.

These lands had been ceded to the United States by the Wichita and affiliated bands of Indians (Kiowa, Comanche and Apache) under an agreement made with, by and through certain Commissioners of the United States, which agreement was ratified by Act of Congress, approved March 2nd, 1895.

After the drawing had been completed, the committee made a report to the Secretary of the Interior, which is quite full and fairly explains the manner of the drawing. It is as follows:

Department of the Interior,
United States Land Office,
El Reno, Oklahoma, August 7, 1901.

Sir:

In pursuance of your letter of appointment, authorized by the Proclamation of the President, of date July 4, 1901, the undersigned Committee met at El Reno, Oklahoma, on the evening of the 25th day of July.

We found that the registration for the districts of El Reno and Lawton were nearing completion, and in fact were completed at six o'clock P. M., July 26th.

The final and complete registration showed that seventy-seven thousand, seven hundred and two (77,702) persons registered in the El Reno district, and eighty-six thousand, three hundred and eighty-four (86,384) persons in the Lawton district, making in the aggregate one hundred and sixty-four thousand and eighty-six (164,086) registrations in the two districts.

We found as a matter of fact that at the time each person was registered an application was filed by the person registering, and that a card was made out by the officer in charge of the registration booth, and the same was signed by the applicant. On this card was written the land district in which the applicant desired to make homestead entry, together with such a description of the applicant as would enable the local land officers to readily identify such applicant.

This card, when so prepared, was placed in a separate envelope and properly sealed by the person in charge of the registration booth. It bore no distinguishing mark other than was necessary to show that it was to go into the drawing for the land district in which the applicant desired to make entry. In the one case "El Reno" was printed in bold letters on the envelope, and in the other "Lawton." These words were the only distinguishing marks on the envelopes.

The envelopes were separated according to land districts and placed in proper boxes, each of which contained four hundred (400) envelopes, and the boxes were numerically numbered.

Prior to the 29th day of July, we caused to be made two large wooden boxes, one of which was to be the receptacle for all of the envelopes marked "El Reno" and the other as a receptacle for all of the envelopes marked "Lawton."

Each of these boxes were ten feet long, two and one-half feet deep, and two and one-half feet wide, with an iron rod running the entire length through the middle of each box and fastened at the ends of the boxes. Iron bolts were placed in either end of the boxes and served as pivots upon which the boxes could be revolved. On one side of each box there were three openings (about two feet apart) for the purpose of receiving the envelopes. On another side of each box were five holes, large enough to admit the hand and arm of a person and through which the envelopes were to be withdrawn. These holes were covered with slides, except when opened for the purpose of withdrawing an envelope.

On the morning of the 29th of July, at the hour designated in the President's Proclamation for the drawing, these boxes were taken upon a platform thirty-two feet square and placed in position for the drawing. This platform had been erected under our direction, in a public street of the city of El Reno, and as near to the United States land office as was practicable, and in front of an open space of ground that rose gradually from the front of the platform. From this open space more than twenty thousand people could and did see the boxes and could and did witness the drawing that ensued.

After these large boxes were placed in position, the paper boxes containing the envelopes were delivered to us upon the platform immediately in the rear of the two large boxes.

We caused lots to be cast as to the order in which the contents of these paper boxes were to be placed in the large boxes. The number that each box bore was placed in a receptacle and drawn by lot. When so drawn the contents of each box, as it was emptied, were scattered

through the larger boxes, from which they were to be drawn. When all of the envelopes had been thus placed, the holes in the boxes were closed and the boxes themselves turned until the envelopes were thoroughly mixed.

We selected ten reputable young men (five for each box), all of whom were under age and in no wise interested in the drawing, to draw the envelopes from the boxes.

The five holes in each box were given numbers and the young men cast lots for the place from which each should draw. They were placed according to lot and they again cast lot as to which should draw the first envelope. The young man who was at the hole numbered two, three, drew the first envelope from the El Reno box, and the young man who held number four at the Lawton box, drew the first envelope from that box.

Twenty-five envelopes were first drawn from the "El Reno" box by the young men in the order named, and as each of these were drawn they were delivered, first to Mr. Dale of the Committee, who caused the same to be numbered. He then, in the presence of the spectators, opened the envelope and took therefrom the card and caused the same number to be placed on it, and then handed the card to Mr. Richards of the Committee, who inspected the same and in turn handed it to Mr. Dyer of the Committee, who announced the name and description of the person to the people.

The same course was taken in the drawing of the first twenty-five envelopes from the "Lawton" box.

After this the drawing continued at the platform from day to day until a total of thirteen thousand (13,000) envelopes had been drawn from the two boxes, one-half of which came from each box. During the drawing the names of those

drawn were promptly posted on bulletin boards and in addition to the notice thus given, announcement of the names were publicly made by criers designated for that purpose.

After the thirteen thousand were drawn, as aforesaid, the boxes were removed to a building where the drawing could be more expeditiously conducted. The drawing continued until the afternoon of the 6th of August, when the whole number of envelopes deposited in the two boxes had been separately drawn and numbered. These were placed in the hands of an efficient force of clerks, from time to time, with instructions to notify, by postal card, each and every person who had made registration in the two districts.

As far as the drawing, over and above the first thirteen thousand was concerned, the same could have been omitted and some expense to the Government saved, but it was deemed wise to draw out and number each and every envelope, to the end that every applicant might be satisfied that his name had been placed in the box of the district in which he desired to enter.

We duly certified to the land officers at El Reno and Lawton the lists of names drawn from the boxes in the order in which they may file their homestead entries. This being done, we concluded that the purposes for which we were appointed have been met, and we shall return to our respective homes.

In concluding this report we may be permitted to say that the force of clerks sent out from the General Land Office at Washington, proved themselves to be efficient and faithful public servants, and we heartily commend each and every one of them to your consideration. The Department is to be congratulated upon the systematic order in which the registration and drawing were made.

A great majority of the vast number of people who were present before and at the time of the drawing were peaceable, law abiding citizens, and we are glad to report that there has been no disturbance of the public peace and not a life has been lost in the anxious contests of thousands of people for homes in the Territory.

As far as we have been able to observe, the course pursued under the Proclamation of the President has been satisfactory to all peaceable and law abiding citizens who assembled here, and the fairness of the drawing has been undisputed so far as we have been advised.

We have the honor to be,

Very respectfully,

(Signed) W. A. Richards,

David P. Dyer,

Frank Dale,

Committee.

The Honorable,

The Secretary of the Interior,

Washington, D. C.

As I have before said, the experience brought by my appointment as a member of the committee was the greatest I ever enjoyed. Over miles and miles of uninhabited territory at that time compared with what is there today, makes a marvelous transformation. Then, nothing but wild and uncultivated land; now, great fields of corn, wheat and alfalfa; then, not a church or school house; now, a teeming population with a school system unsurpassed, and churches erected to the worship and glory of God, whose steeples point the way to the place of everlasting rest.

I had not been in that part of Oklahoma from the time of the allotment in 1901 until March, 1921, a

period of twenty years. At that time I was assigned to hold a term of the United States District Court at Oklahoma City.

One Saturday afternoon while there in company with my daughter Lizzie, then and now my secretary, I went in a trolley car to El Reno, thirty miles distant, and stood upon the very spot where twenty years before I had stood when the lands were distributed. It will take a pen driven by a better hand than mine to properly describe the wonderful changes that have taken place within that period. Great cities, inhabited by intelligent, pushing men and women, and great fields cultivated by enterprising farmers, have taken the place of wild lands inhabited by thriftless Indians and untamed animals.

Oklahoma is a great State and will grow greater as the years go by. All that she now needs is to get rid of a certain class of men who believe in the right to sit in the shade holding glasses of mint julep with a straw in each, a West Virginia stogy, and with negroes to wait on them. They are a set of good fellows but of no perceptible use and their allusions to what happened before and during the war may be interesting to them but to no one else.

The Act of Congress of March 1, 1872, creating the Yellowstone National Park with an area of over thirty-three hundred square miles or more than two million acres, was a wise piece of legislation.

There is no spot in the world, in my judgment, that has so much beauty and captivating gorgeousness as this park.

Probably the most delightful, instructive and enjoyable pleasure trip I ever made was in July, 1902,

to this place. Mr. George R. Peck at that time was the General Solicitor of the Chicago and Milwaukee Railroad, with headquarters in Chicago. Upon his invitation, a party of gentlemen met in Chicago for the purpose of making a trip to the Yellowstone Park, in company with and in the official car of Mr. Peck. The party consisted of Judge John F. Philips of Kansas City, Missouri, Judge Smith McPherson of Iowa, Judge O. M. Spencer of St. Joseph, Missouri, Honorable John Allen "Private John" of Tupolo, Mississippi, Mr. Rosington of Topeka, Kansas, Mr. Peck and myself.

We met in Chicago on the morning of July 15, and were joined there for lunch at the Chicago Club by Mr. Justice Brewer of the Supreme Court of the United States. He was enroute to Milwaukee and accompanied the party that far. In the evening of that day most of the party went as far as Oconomowoc to be the house guests of Mr. Peck for the night. I remained in Chicago to meet members of my family the next morning. They were going to make the trip to the Yellowstone in the same train with the party of gentlemen above named. On the morning of the sixteenth of July my wife, two daughters, Lizzie and Louise, and my wife's sister, Miss Claudine Hunt, came from St. Louis, and my son-in-law, Mr. Hunting and his wife and two little boys came from Grand Rapids. This made quite a family party.

We left at 6:30 P. M. on the train for St. Paul. At Oconomowoc the private car of Mr. Peck was attached to the train and we arrived at St. Paul in the early morning, spending the day there. The party of gentlemen, Mr. Peck's guests, took a look at the

Minnesota Club, while Mrs. Dyer and others of her party had lunch at the Ryan Hotel.

At 10:30 P. M. the party left on the Northern Pacific Railroad for the park. The trip across the country was uneventful, the train arriving at Livingston at 7:00 A. M., the 19th. Here my family was joined by Colonel L. P. Hunt, U. S. A. (brother of Mrs. Dyer), his wife and two children. We arrived at the Mammoth Hot Springs Hotel, at noon. Here Mr. Peck's party was joined by United States Senator Carter of Montana. Sunday was spent in sight-seeing in and about the Hot Springs.

An amusing incident took place among Mr. Peck's guests. The party had played cards on the train and after arrival at the hotel. Here we found a woman, a Jewess, who seemed bent upon snapping with her kodak these guests of Mr. Peck on all occasions. Her activity in this regard became very annoying. There was a card room adjoining the bar on the first floor of the hotel. The gentlemen assembled in the card room and about a round table to play for small stakes the great "American game." Shortly after the playing began, Judge Spencer withdrew and went out into the hall. No attention was given to this as his withdrawal did not interfere with the game. In a little while the door leading into the hall suddenly opened and the little kodak friend "snapped" the party. This gave great offense to some, particularly Judge Philips, who insisted upon the camera and the film being destroyed. John Allen, who was a member of the World's Fair Board, expostulated with the lady by saying, "Madam, I am holding office under a most strenuous administration (Roosevelt's) and if it were

known that I was playing cards on Sunday, it would mark the end of my distinguished and glorious career and utterly humiliate me before my constituents in Mississippi." The film was destroyed and the kodak went out of use.

On Monday morning, the 21st, the whole party clothed with dusters and mosquito netting about the head, started in two "Concord" coaches, drawn by four horses each, on what to me was a wonderful six day tour. The wonders of that park have been most beautifully described by others and I could not, if I would, add to it.

The hotels were splendidly managed, the coaches were excellent and comfortable conveyances, and the distances between resting places were easy. The "roaring mountain," the deep gorges, the snow capped mountains, the playing of "Old Faithful" and other geysers, the beautiful and placid lake lying in a valley seven thousand feet above sea level, the magnificent and unequaled falls of the Yellowstone, the great herds of elk and deer, and the numerous black, cinnamon and grizzly bears made a continuous panorama that was as strange and wonderful as it was varied and entertaining. No one who loves nature in its wildest form, will ever go to the park without wishing on some day, to repeat the visit.

Altogether it was an enjoyable trip, for which we were all indebted to that splendid host, George Peck. The remembrance of the pleasure given me by that ten days of delightful association and wonderful sight-seeing, is saddened by the thought that all but two of the party that went in the car with Mr. Peck have passed into that undiscovered country "from

whose bourne no traveller returns.'” Philips, McPherson, Allen, Peck, Rosington, and Carter have gone; Spencer and I remain. Others of that party who have answered the final summons are my wife, Colonel and Mrs. Hunt. The joy and pleasure of that trip will linger in my memory until the final trumpet shall sound the note that will call me to join those who have gone before.

The carving out from the country’s wonderful domain so many beautiful “play grounds,” so many magnificent parks, are splendid monuments erected to the wisdom of the people’s representatives in Congress that will not perish from the earth. How significant the remark of General Sherman in San Francisco in 1886: “The American people spend great fortunes in looking for wonders in the old world while they pay no heed to the greater ones in this.”

XIV

THEODORE ROOSEVELT

National Republican Convention of 1900—Appointed U. S. Attorney for the Eastern District of Missouri — Senator Vest — Senator Burton — The Peonage Case — The White House, 1907 — Become U. S. District Judge — Letters from the President and others.

I was a delegate-at-large from Missouri to the National Republican Convention that met in Philadelphia in 1900. It was this convention that nominated William McKinley a second time for President. Roosevelt was then the Governor of the State of New York, and it was well known that he did not stand in great favor with the political bosses of that State, especially with Senator Platt. They were anxious to get rid of him and sought to do so by having him nominated for Vice-President on the ticket with McKinley. Roosevelt understood the purpose of his enemies and was reluctant to become a candidate for Vice-President, but the better element of the Republican party also sought his nomination, though for a different reason than that of the disreputable bosses. The bosses disliked him because he was honest, fearless, courageous, and independent, while the people, good, sincere, and patriotic citizens, loved him because of these qualities.

During the proceedings of the convention, Colonel Roosevelt delivered a most forceful and eloquent address. This was my first opportunity to see him "in action." The straightforward way in which he declared his principles caught the enthusiastic approval of his hearers and stamped him the leader of patriotic thought and genuine Americanism. The re-election of President McKinley to the presidency and the election of Colonel Roosevelt as Vice-President followed in November.

The death of McKinley at the hands of an assassin in 1901 was followed by the elevation to the presidency of Theodore Roosevelt. What transpired in the course of his successorship to the vacancy, and of his election in 1904, it is not my purpose to particularize; I simply wish to make brief allusions to the personal and official relations that existed between him and myself.

I never saw the Colonel after the Philadelphia Convention until I met him in the White House in December, 1901. This visit was brought about at the instance of some friends who were interested in the appointment of a suitable person to the position of Collector of the Port at St. Louis.

The appointment of Judge Gallenkamp of Franklin County to that position shortly followed my visit, kindly arranged by Secretary Ethan Allen Hitchcock. Beyond the collectorship no other matter was discussed. My visit was at 9:00 P. M., and upon my arrival at the White House the great friend of the President, General Leonard Wood, was just leaving. A slap on the back and "good-night, old fellow," was what I heard when I entered the Red Room.

In January, 1902, without any solicitation on my part nor, so far as I know, on the part of any of my friends, the President announced my appointment as United States Attorney for the Eastern District of Missouri. My name was sent to the Senate for confirmation. Missouri at that time was represented in the Senate by George Graham Vest and Francis Marion Cockrell.

The Chairman of the Judiciary Committee to which my nomination was referred was Judge Hoar of Massachusetts. He, of course, made inquiries of the Missouri senators as to the propriety of my confirmation. It gives me more pleasure than I can express to give here the letters of my old friend Senator Vest in reference to my confirmation:

UNITED STATES SENATE

Committee on

Public Health and National Quarantine,

Washington, D. C., Jan. 18, 1902.

My Dear Dyer:

Enclosed find correspondence between Senator Hoar, Chairman of Senate Judiciary Committee and myself, which shows the result of our long friendship.

Sorry I did not see you when in Washington.

Your friend,
G. G. Vest.

Col. D. P. Dyer,
St. Louis, Mo.

Enclosure:

Letter to Hoar.

UNITED STATES SENATE
Committee of
Public Health and National Quarantine

Washington, D. C., Jan. 18, 1902.

Hon. George F. Hoar,
U. S. Senate.

My dear Senator:

Yours making inquiry as to Col. D. P. Dyer has been received. I have known Col. Dyer for many years and while we have never agreed politically, I take great pleasure in stating that no man in Missouri stands higher in public estimation. He is in every respect qualified for the position to which he has been nominated and will make a most efficient officer. He is a fine lawyer; has had great experience in his profession and has filled the office, for which he is now named, heretofore, with great ability.

I heartily endorse his nomination.

Yours truly,
G. G. Vest.

Vest and I never agreed in politics but were at all times personal friends. He has gone to his final account, and I hope and pray that his great soul is at perfect peace.

He had no superior in the realm of popular debate. He was an orator of magnetic power and possessed a vein of humor that was unmatched. He could move assemblies to tears by his pathos and to unsuppressed hilarity by the drollery of his stories. His friendship I greatly prized and his death I much deplored. The last time I saw him was at the residence of his son-in-law, Mr. Jackson, in Thornby Place, St. Louis. He was weak in body, but strong in intellect. He was removed to Sweet Springs in

Saline County shortly after that time, where, in a few weeks he died. He was so charming and lovable in his manners and conversation that I hate to stop here without saying more of him than I have.

The Senate promptly confirmed me and in February, 1902, I entered upon the duties of my office. In 1906, I was re-appointed U. S. Attorney.

Judge Adams said: "It is with great pleasure, Colonel Dyer, that this court receives your commission for another term of the office of United States District Attorney. It was my privilege to preside in this court most of the time during the period of your last incumbency, and during that period cases of great magnitude and public importance were disposed of — that fact is well known to the members of this bar and to the community in general. I will further say that during all that time your services rendered in those cases were services of the most valuable and important character. I feel that nothing can be said to add to the lustre of the reputation which you achieved during the last four years. I need not specify any particular cases; they are well known without mention to any one who will stop to reflect and equally well known are the ability, fearlessness and impartiality with which you discharged your duties with respect to them.

"It is therefore with very great pleasure that we note the recognition given by your reappointment to the patriotic services rendered by you to this community and to this country. I will now administer the oath of office to you."

Judge Finkelnburg said: "Colonel Dyer, I cannot let the occasion go by without adding a word to what

has already been so well said by Judge Adams. I want to say that while I have not been on the bench very long, I have been at the bar quite a long period of time, and so I am able to say that I greatly appreciate the able and faithful services which you have rendered to the Government during your past term of office.

“I congratulate you and congratulate the Government upon your reappointment. May your next term of office be as successful, as able, and I hope as pleasant, as the past has been. I feel that with you as United States Attorney, the interests of the Government in this District are well taken care of; and that as in the past, you will take care of the interests of the Government, and of the people without fear and without favor, avoiding all unnecessary prosecution and striving only and truly to serve the ends of justice. Again I congratulate you.”

To these I made reply as follows: “I thank your Honors more than I can say for this expression of confidence. Without a faithful, upright and able Judge on the bench the District Attorney is absolutely helpless. Whatever success has attended the years I have occupied this position is more attributable to the able manner in which the duties of Judge have been performed on this bench than to anything I have done or could do.

“I have tried only to do my duty. Mistakes have come to me as they are likely to come to any other officer, but I can truly say to your Honors that in the discharge of every obligation imposed upon me, I have tried only to do my duty; to prosecute no one through hatred, malice or ill-will, nor leave any unprosecuted

through fear, favor or affection. So long as I am in this office that shall be my line of action. Faithfulness to duty is the best heritage I can leave to my children and my friends.

“I thank your Honors for the kind and generous words you have been pleased to speak.”

THE BURTON CASE

No more unpleasant and important duty was imposed upon me while holding the position of United States Attorney than the prosecution of Senator Burton. He was a man of ability and possessed a charm of manner that was both fascinating and captivating. He had many quite devoted friends and it was hard to resist the interest they took in him. I wished many times that the facts as well as the law were in his favor, instead of against him as they were. In such cases the prosecuting officer is brought face to face with *duty* upon the one hand and *sympathy* on the other. It was so in this instance.

In 1903 and in 1904 a corporation by the name of “Rialto Grain and Securities Company” was engaged in business in the city of Saint Louis. It was what was popularly known as a “Get-rich-quick” concern. The Post Office establishment of the United States, through its officers, was proceeding against the corporation to have it debarred from the use of the United States mails on the ground that it was for the purpose of obtaining money and property fraudulently from individuals, making false and fraudulent representations in its letters and other writings, etc., then and there being sent through the mails. The proceeding was pending before the Postmaster Gen-

eral at Washington. The prosecution of Senator Burton was founded upon the following sections of the Statute:

Sec. 3929. The Postmaster General may, upon evidence satisfactory to him that any person or company is engaged in conducting any lottery, gift enterprise, or scheme for the distribution of money, or of any real or personal property by lot, chance, or drawing of any kind, or that any person or company is conducting any other scheme or device for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, instruct postmasters at any post office at which registered letters arrive directed to any such person or company, whether such agent or representative is acting as an individual or as a firm, bank, corporation, or association of any kind, to return all such registered letters to the postmaster at the office at which they were originally mailed, with the word "Fraudulent" plainly written or stamped upon the outside thereof; and all such letters so returned to such postmasters shall be by them returned to the writers thereof, under such regulations as the Postmaster General may prescribe . . .

Sec. 4041. The Postmaster General may, upon evidence satisfactory to him that any person or company is engaged is conducting any lottery, gift enterprise, or scheme for the distribution of money or of any real or personal property by lot, chance, or drawing of any kind, or that any person or company is conducting any other scheme for obtaining money or property of any kind through the mails by means of false or fraudulent pretenses, representations, or promises, forbid the payment by any postmaster to said person or company of any postal money orders drawn to

his or its order, or in his or its favor, or to the agent of any such person or company, whether such agent is acting as an individual or as a firm, bank, corporation, or association of any kind, and may provide by regulation for the return to the remitters of the sums named in such money orders . . .

The proceedings before the Postmaster General were to obtain and have issued by him a "fraud order" denying to the corporation the use of the mails. While these proceedings were pending, Burton was employed by the corporation as its attorney and representative, and agreed to receive from it the sum of \$2,500.00 for services to be rendered by him for the Rialto Grain and Securities Company in relation to a proceeding, matter and thing in which the United States was interested before the Post Office Department.

Section 1782 of the Revised Statute is as follows:

Sec. 1782. No Senator, Representative or Delegate, after his election and during his continuance in office, and no head of a Department, or other officer or clerk in the employ of the Government, shall receive or agree to receive any compensation whatever, directly or indirectly, for any services rendered, or to be rendered, to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party, or directly or indirectly interested, before any Department, court martial, bureau, officer, or any civil, military, or naval commission whatever. Every person offending against this section shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years, and fined

not more than ten thousand dollars, and shall, moreover, by conviction therefor, be rendered forever thereafter incapable of holding any office of honor, trust, or profit under the Government of the United States.

Under this section of the statute the grand jury found an indictment against Burton. He was arraigned and pleaded not guilty. A trial was held before Judge Elmer B. Adams and a jury, and Burton was found guilty and sentenced to imprisonment in jail and to pay a fine. The case was taken by the defendant to the Supreme Court of the United States. The court reversed the lower court, and a new trial was ordered.

The case, or substantially the same case, was again tried before Judge (now Justice) Willis Van Devanter and a jury, and the defendant was again convicted. The sentence imposed by Judge Van Devanter was six months in the Iron County Jail and twenty-five hundred dollars fine, and by such conviction thereafter rendered incapable of holding any office of honor, trust, or profit, under the Government of the United States. The case was again taken to the Supreme Court of the United States by the defendant. In a decision by that court through Justice John Marshall Harlan, the case was affirmed. Senator Burton paid the fine and served the term in jail imposed by the court.

In the trial before Judge Van Devanter, I was assisted by Judge Charles H. Robb, Assistant Attorney General, and the Government's case was ably presented by him to the court and jury and thereafter before the Supreme Court of the United States. Bur-

ton was ably defended by Honorable John F. Dillon, Balie P. Waggener, and F. W. Lehmann. The case is fully reported in Volume 202 of United States Reports.

THE PEONAGE CASE

During my term, many cases of importance came to the attention of the court and the country that were prosecuted by me, the most notable of which arose during the year 1906 in the Southeastern Division of this Judicial District and was popularly known as the "Peonage Case."

UNITED STATES OF AMERICA

Plaintiff,

v.

Charles M. Smith Sr.,
Charles M. Smith Jr.,
William Woods,
Floyd Woods,
Benjamin Field,
Benjamin Stone and
W. Lee Rodgers, Defendants.

In May or June, 1906, a letter from a citizen and public officer of southeast Missouri was forwarded to me from Jefferson City by Governor Folk, calling his (the Governor's) attention to what was termed "an appalling condition existing in that section of the State."

The letter purported to give the facts bearing upon the manner in which more than fifty negro men were being inhumanly treated by certain parties. I could hardly believe these statements for the reason that it seemed incredible that cruelties such as he described could occur in the State of Missouri. However, I

concluded to put on foot an investigation, and directed William L. Morsey, the then United States Marshal, and Horace L. Dyer, an Assistant United States Attorney, to make the investigations.

These officers went during the night to the locality where it was alleged the crimes were being perpetrated. They discovered a much more serious condition existing than had been reported. They found sick negroes locked in miserable shacks, and others made to work in ditches for the drainage of lands, under armed men. These ditches were partly filled with water, and at night the negroes were driven like so many cattle to these filthy quarters and locked up.

A grand jury was ordered to meet at Cape Girardeau in the Southeast Division of the District for the purpose of making an investigation. This took place and bills of indictment were returned against the above named. They were men of means and influence in that section of the State.

The cases came on for trial in September, 1906, before Honorable John C. Pollock, United States District Judge for the State of Kansas, who had been duly assigned to try these by the Presiding Judge of the Circuit Court of Appeals for the Eighth Circuit, as the health of Judge Finkelnberg of the Eastern District of Missouri was such that he was not able to sit in the trial. At the trial, the Government was represented by me and my assistant, Horace L. Dyer. The defense was ably represented by Judge Chester H. Krum, Moses Whybark, W. H. Miller and Oliver & Oliver. The indictments were drawn under Sec. 5508 of the Revised Statutes, which is as follows:

If two or more persons conspire to injure,

oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States * * * they shall be fined not more than five thousand dollars and imprisoned not more than ten years; and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States."

The evidence at the trial tended to show:

"That it was difficult to secure and keep laborers to do the necessary work of clearing and cultivating Smith's land; that in the early spring of 1906, Charles M. Smith, Jr., went to Memphis, Tennessee, and secured 15 or more negroes, among whom was John Reed, the citizen named in the eleventh count of the indictment, whom he induced by promises of liberal wages to go with him to Sikeston, Missouri, to work, as he represented to them, in a flour mill; that he transported them by railroad from Memphis to Sikeston in the night, arriving there at 1 or 2 o'clock in the morning; that on arrival there hacks were awaiting them into which the negroes were immediately loaded in gangs of five each; that they were thereupon driven in charge of defendant Charles M. Smith, Sr., who accompanied them a distance of about 12 miles to what is known as the "Woods' Place," where they were delivered over to the custody of William Woods, Floyd Woods, Benjamin Field, and Benjamin Stone, called in the evidence the "overseer" and "night" and "day" guards, respectively; that they were first searched for concealed weapons, which, when found, were taken from them; that they were then (it still being dark) put into a roughly built, filthy cabin called in the evidence a "shack," where bunks

were provided for them; that the windows of this shack were cross-barred by heavy two-by-four pieces of timber, and these were covered over with barbed wire; that guards with six-shooters and repeating rifles were stationed over them at night while in the shack to prevent possible escape and by day while out of the shack to make them work and prevent escape; that the most cruel and brutal punishment was inflicted upon them for pretended infraction of rules, but more often for the purpose of forcing them to the last extremity of possible service; that they were kept at work constantly, except Sundays, always under guard, in digging ditches, rolling logs, and doing other necessary work on the place; that on Sundays they were kept confined in their shack under guard; that few, if any, of them received the promised wages; that some from time to time made their escape at the risk of their lives. The treatment of these negroes had its counterparts at other times and in other places on the Smith farms; and these afford much corroborative evidence of the unlawful intent with which the gang of negroes in question was restrained. From all the evidence, which we have carefully examined, there can be no doubt of the main facts briefly epitomized above. The jury by their verdict have put the stamp of verity upon them. That such flagrant violation of law, such shameless inhumanity and brutality, such base dishonor to American citizenship could be deliberately practiced in a civilized and Christian community by intelligent men is a reproach to our civilization, and challenges instant and vigorous protest and action by all right-minded men."

The foregoing statement of facts is taken from the

opinion of Judge Adams of the Court of Appeals, as it appears in the Reporter.

After a trial lasting nearly two weeks, the defendants were convicted on only one of several counts in the indictment, although the testimony was practically the same on all the counts. This result as was afterwards ascertained, came about in a compromise with one juror. Eleven of the twelve were in favor of conviction on all the counts, while one was in favor of acquittal on each. He finally consented to a verdict *on one count*.

Judge Pollock sentenced each of the defendants to a fine and a term of imprisonment in the penitentiary at Leavenworth. Writs of error were sent out and the cases were heard in the Court of Appeals. The decision of that court was handed down on the twelfth of November, 1907.

The court consisted of Judge Van Devanter, now Justice Van Devanter of the Supreme Court of the United States, Judge Elmer B. Adams, and Judge Riner. The judgment of Judge Pollock was affirmed in an opinion by Judge Adams.

This case was one of the most, if not the most, important which it became my duty to prosecute. It attracted great attention throughout the whole country.

The success attending this prosecution possibly had something to do with my appointment as Judge by President Roosevelt.

In January, 1907, Judge G. A. Finkelnburg, then the U. S. District Judge, notified me of his intention to resign the first day of the following April. This news was given to me while we were at luncheon to-

gether at McTague's Restaurant. I spoke of it the same day to some of my close personal friends who insisted that I become a candidate to fill the vacancy. That night I wired my friend, Senator William Warner, at Washington, of the proposed resignation and asked his support. He at once replied by saying that he would be glad to go with me to the President.

The next day, in company with my old friend, William L. Morsey, then United States Marshal, I started for Washington. Upon my arrival in the evening I went at once to the rooms of Senator Warner and had a satisfactory talk with him about the position. It was agreed between us that at 10:00 o'clock the next morning we would call on President Roosevelt, which we did. Warner introduced the subject of our visit about as follows:

"Mr. President, Judge Finkelnburg of St. Louis has notified Colonel Dyer of his intention to resign on the 1st of April, next, and I am here to ask you to appoint my old friend Colonel Dyer as his successor." Without a moment's hesitation the President said, "All right, I surrender." Warner then remarked, "Mr. President, Dyer is almost sixty-nine years old, and I thought you ought to know that." The President replied, "I know that and ordinarily I would not appoint one so old, but with the knowledge that Colonel Dyer has of affairs in Missouri, I think he can do more good in five years than any one else can do in ten." This, in brief, was the conversation.

The President further said that "ordinarily no one should be appointed a judge of the U. S. Court who could not reasonably promise a service of twenty years."

Senator Warner and I did not call on the Attorney General, Charles J. Bonaparte, before seeing the President, nor did we call after having seen him. Bonaparte opposed my appointment on account of my age and tried to dissuade the President. This resulted in the following correspondence which to me is most interesting:

THE WHITE HOUSE

Washington, February 27, 1907.

My dear Sir:

The President directs me to send you for your information, the enclosed copy of a letter he has sent to the Attorney General relative to your appointment as judge.

Very truly yours,

Wm. Loeb, Jr.,

Secretary to the President.

Hon. David P. Dyer,
United States Attorney,
St. Louis, Missouri.

Enclosure.

THE WHITE HOUSE

Washington, February 27, 1907.

My dear Mr. Bonaparte:

I have received your letter about Mr. Dyer. I have also received the following communications from Judge Robb, late Assistant Attorney General, and Senator Knox, late Attorney General, about him:

THE COURT OF APPEALS

Washington, D. C.

Dear Senator Warner:

In response to your request to be informed of my estimate of the qualifications of Col. D. P. Dyer, U. S. District Attorney at St. Louis, for the position of U. S. District Judge, I have the honor to say that I have known him and his work since early in 1903. While Assistant Atty. General for the P. O. Dept., my own observations and the reports I received from others led me to believe him a very capable and reliable official. Subsequently I became directly connected with the Dept. of Justice, where, of course, I had a still better opportunity to observe him and his work. As you know, I was connected with him in an important trial at St. Louis and as the result of my associations with him in that trial my previous good opinion of him was strengthened.

In my opinion he is an exceedingly well equipped, strong, independent, well balanced man. While he is resolute, fearless and courageous, his innate sense of justice and fair play tempers all his acts. His long experience as a trial lawyer, his wide acquaintance with the members of the bar of his State, their confidence in and respect for him all tend to qualify him for judge. His age may possibly be urged against him, but as you know he is strong and vigorous in mind and body.

Very respectfully,

Chas. H. Robb.

Feb. 26, 1907.

I always regarded Col. Dyer as one of the very best and one of the most loyal District Attorneys.

P. C. Knox.

I am inclined to feel that your position is just, and under normal circumstances I should treat Col. Dyer's age as a bar. But he is such a splendid old fellow, such a straight, game man, that I really haven't the heart to rule him out now after having made a precisely similar appointment, as regards age, in the case of his immediate predecessor. Moreover, as I made the last especially at the request of Secretary Hitchcock, it seems particularly hard now to turn down Senator Warner, who has been such a staunch friend of the administration and of good government. He, of course, cannot be expected to see why I should make one rule for an excellent man who is Secretary Hitchcock's friend, and another rule for an excellent man who is his (the Senator's) friend.

Moreover, Senator Warner assures me on behalf of Colonel Dyer, that Col. Dyer will resign as Judge immediately that he feels the slightest incapacity to do his work. I know that this assurance cannot, from the nature of things, be accompanied with any real guaranty; but it was the identical assurance that was made in the case of Judge Finkelnburg, and Judge Finkelnburg kept it. I have no doubt that Col. Dyer will keep it also. I shall consider him in honor bound to do so, and I shall send him a copy of this letter. Senator Warner will also send him a letter, with his personal promise and assurance on Col. Dyer's behalf.

Sincerely yours,

Theodore Roosevelt.

Hon. Charles J. Bonaparte,
Attorney General.

DEPARTMENT OF JUSTICE
UNITED STATES ATTORNEY'S OFFICE
EASTERN DISTRICT OF MISSOURI

St. Louis, Mo., March 1, 1907.

Hon. William Loeb,
Secretary to the President,
Washington, D. C.

My dear Mr. Loeb:

I have your letter of the 27th ult., covering copy of a letter written by the President to the Attorney General, for which I thank both the President and you.

Give assurances to the President that whenever I become mentally or physically disqualified for the performance of the duties of the office to which he has appointed me, that moment my resignation will go to the Department of Justice. No man should hold on to any office in the Government service, the duties of which he is not able to promptly and faithfully perform.

Do me the favor to say to the President personally that his reference to me as a "straight, game man" is the highest compliment I ever received. I am glad to know that the President thinks I am "game", for of all the good qualities I admire in the President, the greatest of these is that he is the gamest of the game.

Sincerely,
David P. Dyer.

The opposition of the Attorney General to my appointment was based upon substantial grounds, but the will of the President swept away the objections.

In the history of the Federal judiciary, no one as old as I, had ever been made a judge, and I doubt whether any president other than Roosevelt would have made the appointment. *He was my friend, and that meant everything to him.*

My name was sent to the Senate for confirmation, and with the support of my friends, Senators Warner and Stone, from Missouri, it was promptly confirmed. Before this, however, the news spread throughout the State that the President intended to make the appointment. Many good and valued friends of their own volition wrote the President in my behalf. Copies of some of these letters I take pleasure in incorporating here.

The first of these was written by Judge John F. Philips, United States District Judge for the Western District of Missouri. He was one of the most brilliant men ever produced in the State. He was a member of the Constitutional Convention of 1861, the convention that held Missouri to her moorings in the Union. After the Civil War, he and George G. Vest became law partners under the firm name of Philips & Vest. He subsequently was elected to Congress and served with great distinction. He was a member of the House and his old partner Vest, a member of the Senate.

The State was never represented in Congress by two abler men. Philips was, after his term in Congress expired, appointed by President Cleveland, Judge of the United States District Court for the Western District of Missouri. This office he resigned in 1908, and was succeeded by Honorable A. S. VanValkenburg.

Philips died in March, 1919, and was buried at Kansas City, Missouri. He was born in Boone County, Missouri, in 1834.

The last speech that he made was at the Planters House in St. Louis, in March shortly before his death, on the occasion of a banquet given by the Pike County Colony of which I was the president. The speech was beautifully eloquent and is worthy a place among the classics. I can not begin to tell how fond I was of him, and how I sorrowed at his death.

His letter to the President, above alluded to, is as follows:

Kansas City, Mo.,
February 25, 1907.

Honorable Theodore Roosevelt,
President of the United States,
Washington, D. C.

Sir:

I observe in the public press that it is your purpose to appoint D. P. Dyer of St. Louis, to the approaching vacancy in the office of United States District Judge for the Eastern District of Missouri. I sincerely hope that this is true. It would be a most graceful act on your part.

From our young manhood, he and I have been close to each other. In the dark and stormy days of 1861, and through the Civil War, as Missourians he and I stood heart to heart, and shoulder to shoulder, as citizens and soldiers for the Union. At what peril and sacrifice we withstood the test this generation cannot fully know or appreciate. Only a few of the tried band of patriots, of social and political influence, who helped to hold Missouri to her moorings in the Union survive. Dyer was among the foremost of the courageous, dauntless and unyielding men

who stood at the forefront of danger and responsibility. His whole life has been grand in its honorable achievements in the public service. It is without a stain or a shadow of turning from the path of duty.

While I am his senior in years and yet in the enjoyment of health and intellectual vigor, he possesses still greater capacity for work and valuable public service. He richly deserves this crowning honor to his career.

With great respect,

Your obedient servant,

Jno. F. Philips.

Another letter of which I am very proud was written by an old friend, Henry Lamm, who at the time was the Chief Justice of the Missouri Supreme Court. He is still living, and I leave to others the duty of properly presenting, when he shall pass to the other side, an account of his great service to the State. His letter is as follows:

STATE OF MISSOURI
SUPREME COURT

City of Jefferson,
Feb. 22, 1907.

To the President:

I am informed that Judge Finkelnburg of the Eastern District of Missouri has resigned and that Colonel D. P. Dyer is willing to take the place. It is but just to say at the outset that my estimate of Colonel Dyer should be taken in connection with the fact that for thirty years I have loved and admired the man. If this friendship through partiality makes me the less capable of estimating him, Mr. President, you are entitled to know the fact in order to weigh the estimate.

I look on Colonel Dyer as a man with a great heart, and of fine mettle as a civilian, as a soldier and as a lawyer. To spring from Virginia stock, to settle in Missouri, then in the grip of intensely and aggressively pro-slavery statesmen, to let loose of the principles of his youth and neighbors because of his love for the old flag, and his disgust at the excesses and possibilities of human slavery—all of these things I look on as a great distinction. But if, in addition to that, public service on high lines is to be considered a merit, if integrity and learning without arrogance are deemed virtues, then Colonel Dyer deserves a meed of unsullied praise. He is a good lawyer, Mr. President, and a good man; and if I were you, I would appoint him United States District Judge, because, I assure you that even “his failings lean to virtue’s side.” Some times a life position with great power so operates upon poor human nature as to make men despotic. They do not recognize

“That it is excellent to have a giant’s strength,
But it is tyrannous to use it like a giant.”

The elements are so made up in Colonel Dyer that it would be impossible for him to be otherwise than a plain, bighearted Missourian, full of the milk of human kindness, but stern as a rock for justice and brave in the performance of duty. As he has been all right in every other respect, I take it for granted that he must be all right as a Judge.

Sincerely yours,
Henry Lamm.

Other letters of commendation from members of the Supreme Court of Missouri and the St. Louis Court of Appeals, and from persons without regard

to party, were sent to Washington. Copies of a few of these are given.

The following is from Judge W. W. Graves, at the time a member of the Supreme Court of the State and afterwards its Chief Justice:

STATE OF MISSOURI
OFFICE CLERK SUPREME COURT
JEFFERSON CITY

February 21, 1907.

Hon. Theodore Roosevelt,
President,
Washington, D. C.

Dear Sir:

Information is received here that Judge G. A. Finkelnburg, of St. Louis, will resign from the position of United States District Judge for the Eastern District of Missouri, and that the friends of Hon. David P. Dyer, present United States District Attorney, will ask of you to appoint him to that place. If so, I desire to join the many Missouri friends of Col. Dyer in that request. Col. Dyer is an able and successful lawyer, ripe in both years and experience, and, in addition thereto, a man of unquestioned integrity and character. His appointment would give great satisfaction to both the Bench and Bar of this State.

Very respectfully,
W. W. Graves.

That from Judge A. M. Woodson, a member of the Supreme Court of Missouri, is as follows:

STATE OF MISSOURI
SUPREME COURT

City of Jefferson,
Feb. 22, 1907.

To His Excellency:

Col. D. P. Dyer of St. Louis is an applicant for appointment to the position of United States Circuit and District Judge for the Eastern District of Missouri.

I desire to state I have known Col. Dyer for more than thirty years, and know him to be a gentleman of fine sense, sound judgment, broad experience and splendid attainments; he ranks among the strongest and best lawyers of the State. The able and efficient manner in which he has discharged the duties of the office of the United States District Attorney during the last eight or ten years is the best evidence of his great ability and qualification to discharge the important duties of that high office, and besides, he is a high-minded, honorable gentleman of the old school, whose honesty and integrity are above reproach and whose moral qualities have never been questioned.

In my judgment he would discharge the duties of that office with distinguished ability, and with credit to himself and to his country.

He is a Missourian of the manner born, and all such, regardless of politics, would rejoice and be greatly pleased to see him appointed.

I am, sir,

Yours respectfully,

A. W. Woodson.

To President Roosevelt,
Washington, D. C.

Below is a letter of the judges of the St. Louis Court of Appeals, to Senator Warner:

STATE OF MISSOURI
ST. LOUIS COURT OF APPEALS
ST. LOUIS

February 20, 1907.

Hon. William Warner,
United States Senator,
United States Senate,
Washington, D. C.

Sir:

Judge Gustavus A. Finkelnburg announces to-day, through the public press of this City, that he intends to resign the office of Judge of the United States District Court for the Eastern District of Missouri, in the near future, and the name of Col. D. P. Dyer, the present United States District Attorney, is mentioned as his probable successor. We are therefore moved to address you in his behalf, signifying our appreciation of the suggested appointment. Col. Dyer has been a highly respected and esteemed member of the bar of this court since its establishment in 1876, and of the bar of the State and Federal Courts in Missouri for probably forty years.

During his long public career he has served in the State Legislature, National Congress, the office of the United States District Attorney, and many other important positions of public trust in each and all of which his service has been characterized in the very highest sense by fidelity to duty. He is an able lawyer and a just man, whose heart is great and kind, and is well fitted for the position of Judge of the District Court. We desire to say to the President, through you, that should the President decide upon elevating Col. Dyer to this important position, such action

will meet with our hearty approval, and we are persuaded that the bench and bar of the State will not only indorse and approve of the appointment, but will feel deeply grateful as well to him for this splendid recognition of Col. Dyer's worth.

We have the honor to be,

Yours very truly,

C. C. Bland,

Presiding Judge.

R. L. Goode,

Albert D. Nortoni.

The following is from the then Governor of Missouri, Herbert S. Hadley, to Senator Warner:

STATE OF MISSOURI
LEGAL DEPARTMENT
CITY OF JEFFERSON

February 21, 1907.

Hon. William Warner,
United States Senate,
Washington, D. C.

My dear Sir:

I see by the papers that Judge Finkelnburg will tender his resignation as Judge of the District Court about the first of April, and that Colonel Dyer is mentioned as his successor. I hasten to express my opinion as to the complete fitness of Colonel Dyer for this appointment, and the evident satisfaction with which such a selection would be received by the Republicans and the people of Missouri. Colonel Dyer's long and distinguished career as a citizen and as a public man, his ability as a lawyer, his aggressive honesty and his natural sympathy with all that is right, and opposition to all that is wrong, makes

him a man peculiarly qualified to discharge the duties of such a judicial position. In case you agree with me, as I feel confident you will, as to the advisability of this appointment, I should be glad to have you communicate to the President my opinion concerning it.

With personal regards, I am,

Very truly yours,

Herbert S. Hadley.

Honorable Joseph W. Folk, ex-Governor of the State, wrote to President Roosevelt as below:

EXECUTIVE CHAMBERS
STATE OF MISSOURI
CITY OF JEFFERSON

February 21, 1907.

Hon. Theodore Roosevelt,

President,

Washington, D. C.

Dear Sir:

I understand that Judge G. A. Finkelnburg is to resign as United States District Judge in the near future. If the name of Hon. D. P. Dyer, present District Attorney in St. Louis, is being considered at all in this connection, I take pleasure in saying that I believe he would give eminent satisfaction to the bar and the people of the State. He is a man of high character, unimpeachable honesty, and his long experience at the bar and in public life thoroughly qualify him for the place.

Respectfully,

Jos. W. Folk.

The following are letters of congratulation from Justice Willis Van Devanter, then a Circuit Judge,

and now an Associate Justice of the Supreme Court of the United States; Honorable Chas. H. Robb, then and now a United States Circuit Judge; Honorable E. Lewis, then a United States District Judge in Colorado, and now a Circuit Judge; and Honorable John C. Pollock, United States District Judge for Kansas:

Denver, March 13, 1907.

Judge D. P. Dyer,
U. S. Court,
St. Louis, Missouri.

My dear Colonel:

I have been from home for three weeks, hunting and fishing on the Gulf Coast at Corpus Christi, Texas. For ten days or more I was on water and did not get a paper or receive a letter, hence I learned on my return for the first time that Judge Finkelnburg had resigned and that the President had appointed you District Judge to fill the vacancy. I desire to congratulate you heartily. I have not been in the service long enough to offer suggestions or give advice, and even if I had it would be presumptuous in me to do so; but I do gladly welcome you among us, and hope at some time to have a part of your services in my district.

Cordially,
Robert E. Lewis.
(Judge U. S. District Court at Denver)

UNITED STATES CIRCUIT COURT OF
APPEALS
Eighth Circuit

Cheyenne, Wyoming, April 19, 1907.

Hon. David P. Dyer,
U. S. District Judge,
St. Louis, Mo.

My dear Colonel:

I have but recently learned of your appointment. You didn't invite me to your inauguration, but nevertheless, I congratulate you and the Eastern District of Missouri upon your appointment, and I wish you the fullest measure of satisfaction and comfort in the discharge of your new duties.

Either I do not read the newspapers closely, or else those which I read did not contain a notice of your appointment, and this is the only reason why I am tardy in extending my congratulations, which are quite earnest.

Very sincerely,
Willis Van Devanter.

THE COURT OF APPEALS

Washington, D. C.,

February 27, 1907.

Dear Judge Dyer:

Your nomination was sent in yesterday and I now congratulate you with all my heart. Integrity and fidelity to duty have been awarded. May the duties of the position be pleasant, and may you live at least fifty years longer is the wish of your friend.

Chas. H. Robb.
(U. S. Judge of the Court of Appeals)

Topeka, Feb. 26, 1907.

My dear Colonel:

Have been absent from here for the past week and did not have the opportunity of reading the daily papers. On my return, I am happy to find from the dispatches that you have either been, or surely will be, nominated by the President to succeed Judge Finkelnburg as judge of your district. This is as it should be, and I hasten to say to you how very much all your good fortune gratifies me. I know you will enjoy the work because you are both by temperament and education so well qualified for the place. Your appointment will be a just recognition of your excellent services to your country and a just tribute to your splendid manhood. The Master placed in your breast a big, warm heart. You have kept it well filled with red blood, so that it responds in sympathy as the heart of a Judge should. Created honest, you have remained so. In short, you have, to my mind, all the qualifications of a just and fearless Judge.

While I congratulate you, I feel the Government is even more to be congratulated.

That you may have a long and pleasant term of service on the bench is the wish of

Your friend,

John C. Pollock.

(U. S. District Judge for Kansas)

Hon. David P. Dyer,

U. S. Attorney,

St. Louis, Mo.

The foregoing letters of recommendation and congratulation from gentlemen so distinguished, are most highly prized. To each and every one of them I owe a debt of lasting gratitude.

XV

THEODORE ROOSEVELT Continued

More Letters — Naturalization Frauds — Northern Securities Case — Roosevelt in Pike County.

After assuming the duties of judge, my friendly relations with President Roosevelt continued until his death. Little did he or I think at the time of my appointment that one of my age would survive him, so young, strong and vigorous.

From this time I took no active part in politics, beyond observing the general sentiment of the country toward its public men and casting my vote as judgment and conscience dictated.

No one will dispute the fact, I think, that in 1912 a very large majority of the Republican voters in the country favored the nomination and election of Colonel Roosevelt to the presidency. This desire and wish of the rank and file of the Republican party was defeated by political bosses and unprincipled political schemers. A majority of the men composing the National Republican Committee at that time belonged to and were active members of such a gang.

In making up the roll of delegates entitled to seats in the convention, they kept off those that had been duly and fairly chosen and put on others who were not the representatives of the Republicans. Their

purpose was to defeat the will of the people, i.e., the nomination of Roosevelt. No gang of pirates upon the high seas ever more deliberately scuttled a ship than these committeemen scuttled the Republican ship. The Republican voters in November of that year condemned by their votes the action of the committee. The so-called nominee of that convention received the electoral votes of only Utah and Vermont; Mr. Wilson was elected, and whatever good or bad to the country that election brought, was solely attributable to the bosses and schemers. If Roosevelt had been declared the nominee, as he by right should have been, his election to the presidency would have been certain.

I voted for Abraham Lincoln in 1864 and for every Republican candidate for the presidency since then, which, of course, includes Theodore Roosevelt in 1912.

In 1916 Honorable Charles E. Hughes of New York was nominated over Colonel Roosevelt for the presidency, and by a narrow margin was defeated by Woodrow Wilson in November following. The action of the convention in making a Justice of the Supreme Court of the United States the Republican candidate, was very questionable. Had Roosevelt been made the nominee, as a vast majority of the Republicans of the country desired, he would have been elected by a great majority. He was again defeated for the nomination by the bosses that cursed and still curse the party organization.

These comments may be far-fetched and out of place here, but they will serve at least to preserve in a measure the opinions of one who has no purpose

to serve other than to record what to him seems to be the facts.

For a time after the nomination of Judge Hughes it was thought by some that Roosevelt would not support him for the presidency. Some feared and others hoped that this would prove true. However, in a short time, Colonel Roosevelt came out in a strong statement supporting the nomination of Judge Hughes. I wrote him a letter congratulating him upon his stand. He answered as follows:

THE METROPOLITAN

432 Fourth Ave.

Office of

Theodore Roosevelt.

New York, Sept. 20, 1916.

Dear Judge:

No letter ever pleased me more than yours. You know that you are one of my heroes and I believe in you with all my heart.

Faithfully yours,

Theodore Roosevelt.

Hon. David P. Dyer,

U. S. Dist. Court Judge,

St. Louis, Missouri.

This and other letters that I received from him, of which I am exceedingly proud, have given me great pleasure. Of course, they are private and ordinarily should not be published, but his confidence and friendship meant so much to me that I want my descendants to know that I had such a friend.

In 1915 Barnes, the Republican boss of New York, brought a suit against Roosevelt for an alleged libel and placed his damages at fifty thousand dollars. The charges contained in the bill were very serious and reflected upon the political honesty of Barnes. Roosevelt pleaded the truth of the charges. A trial was had and the jury rendered a verdict in favor of Roosevelt. The newspapers gave an account of the trial and stated that at the conclusion, a photograph was taken of the jury and of Col. Roosevelt. About the time of the verdict I met with an accident, falling and breaking my right arm between the elbow and shoulder while walking on the street. This happened quite early in the morning. I was taken to St. John's Hospital by my friend Dr. John Young Brown. The arm was set and bandaged and at 10:00 o'clock I went to the court-room where a jury was to report. The newspapers had a notice of the accident and of my holding court, etc. Prior to this I had written to Col. Roosevelt for a copy of the photograph of the jury and himself. In answer to this request I received the following letter:

Oyster Bay, Long Island, New York,
June 16, 1915.

Dear Judge:

I had to take some little time before I could get that photograph of the jury and myself. It will get to you shortly. Meanwhile I won't wait any longer to send you this letter. I have heard of your accident and the characteristic way you did your work without any regard to it. Good for you, you typical old American. I wish we had two of your kind in the Presidency and Secretaryship of State.

Faithfully yours,
Theodore Roosevelt.

Hon. David P. Dyer.

On the 12th of February, 1918, (that being my 80th anniversary) there was a large assemblage of judges, lawyers and other citizens in the court-room of the United States District Court. Certain proceedings (published in full elsewhere in this volume) were held, a copy of which I sent to Col. Roosevelt at New York. He wrote me the following letter after receiving them:

THE METROPOLITAN

432 Fourth Avenue

Office of Theodore Roosevelt.

New York, March 26, 1918.

My dear Judge:

Indeed I am glad to get those proceedings. My dear fellow, I am proud of what was said of you, but I am not in the least surprised, for you are one of those Americans of whom *all* Americans must feel proud.

I wish our average young men of thirty had as strong and buoyant a soul and as clear moral and mental vision as you have at eighty.

Always yours,

Theodore Roosevelt.

Hon. David P. Dyer,

U. S. District Judge.

In October, 1918, I was taken very ill with an attack of acute indigestion. For the first time in my life I became unconscious, and fell in the elevator while going to my chambers in the Customs House. Notice of this attack was taken in the newspapers. Shortly after that I received the following:

NEW YORK OFFICE

347 Madison Avenue

October 15, 1918.

Office of Theodore Roosevelt.

My dear Judge:

I was greatly concerned at the news in the papers that you had been overcome while in court. My dear fellow, you must be very careful with yourself. Even your abounding vitality has its limits, and you are far too fine and useful a citizen for us to spare you at this crisis.

Ever yours,
Theodore Roosevelt.

Judge David P. Dyer,
U. S. Dist. Court,
St. Louis, Mo.

Previous to the foregoing letter I had another from Col. Roosevelt. I am unable now to recall what I had done that he so heartily approved and which gave rise to the writing of the letter by him. It is as follows:

THE METROPOLITAN

432 Fourth Avenue

New York, March 8, 1917.

Office of Theodore Roosevelt.

Dear Judge:

Three cheers for you! I knew I was justified when I appointed you in spite of your age. I knew then as I know now that you are incapable of acting except as you have acted and I am more proud than I can say to have had the honor of appointing you.

Faithfully yours,

Theodore Roosevelt.

Hon. David P. Dyer,
U. S. Dist. Judge.

Whatever the occasion for the above may have been, the fact that it was written gives me the opportunity of transmitting to my descendants a heritage that I consider of great value.

The last time that I saw and talked with Col. Roosevelt was on the occasion of his last visit to St. Louis. I met him and Mrs. Roosevelt at the Jefferson Hotel. The reason of my visit and what took place is partially told by John J. Leary, Jr., in his "Talks with T. R.," given at Page 180 and following of his book "Germans in America." This is referred to not for the purpose of showing what was said about me but for a far more important conversation showing his thorough understanding and appreciation of the Germans in America. These expressions of his were made during the World War and now that peace has been declared, are well worth preserving. They show Roosevelt's estimate of the German character in America and of his faith in their loyalty to the land of their adoption.

In November, 1917, I wrote him, at the instance of leading members of the Young Men's Christian Association, asking that he accept their invitation to speak in St. Louis. He wrote me as follows:

THE METROPOLITAN

432 Fourth Avenue

New York, November 9, 1917.

Office of

Theodore Roosevelt.

Dear Judge:

I wish I could come. I am a tremendous believer in the Y. M. C. A., but it is simply impossible for me to make an additional engagement just at this time. With heartiest good wishes.

Faithfully yours,

Theodore Roosevelt.

Judge David P. Dyer,
St. Louis.

The last note that I ever received from the Colonel was in answer to my congratulations on his birthday:

NEW YORK

Nov. 11, 1918.

Dear Judge Dyer:

I am deeply touched by your birthday greetings.

Faithfully yours,

Theodore Roosevelt.

It was a great privilege and pleasure to know Col. Roosevelt. He was a great man without ostentation, a patriot in every sense of the word, a statesman unmatched in his generation, and a friend as true as the magnet is to the North Star.

Surely the passing from sight of such a man is not death, but only the going to another and better world, where his great talents may find a wider field.

God bless him, is the prayer of one who loved him when he was on earth and cherishes his memory now that he is gone.

NATURALIZATION

No greater peril threatens the peace and safety of the United States today than that which comes from the illiterate, uneducated, ignorant and vicious class of native and foreign-born men and women who are to be found in great numbers in each State of the Union. The percentage of illiteracy in the country is most appalling in the light of the opportunities offered for the education of the masses. Not only is this ignorance among native-born distressing and alarming, but when it is added to by the illiterate and vicious of other lands, who are annually dumped upon our shores like so much vermin, it is doubly so.

It may be that the government is comparatively helpless so far as the native-born are concerned, but it is not so with the foreigners *who are brought*.

The remedy for this evil lies in the Congress of the United States. If the people would elect to Congress, *statesmen and patriots*, instead of (as they frequently do) selfish and small-fry political bummers, who are the excrescence of disreputable bosses and corrupt party heelers, it would be for the everlasting good of the country.

If Congress by proper legislation, will prohibit the coming of such people it will leave only those already here to be dealt with. No alien should be admitted who cannot bring with him or her a certificate of good character and fair intelligence, from the country of which he or she is then a subject, *approved and certified to by the representative of this government then in such foreign country*. Thousands of foreigners come to the United States each year who know nothing about the American form of government. They have been gathered in the steerage of ships and there herded like so many sheep or swine, and finally turned loose to prey upon the laws and resources of this country. Not until the presidency of Theodore Roosevelt, was much attention paid to the coming and naturalization of such disreputable aliens.

Shortly after I qualified as United States Attorney in 1902, my attention was called to the criminal methods that had therefore prevailed to an alarming extent in the naturalization of aliens in the courts of the city of St. Louis.

An examination of the facts disclosed a state of affairs that was almost incredible. Political bosses and ward heelers prior to an election were busy in rounding up, like so many cattle, all aliens for naturalization and for their registration as voters. Money was contributed by party committees to pay all expenses, including court fees, notary fees, witness fees, and salaries to the *heelers*, for the naturalization and registration of such aliens as the "bosses" might desire and recommend. A few days prior to the election this army of aliens would be marched into a court room and there divided into squads—

one squad representing all from a particular county. One or two witnesses would be sworn as to the qualification of the whole number and the Court would order certificates to be issued. There was no record kept of the names of the witnesses (if any were used) and consequently no information of any value preserved.

Many received certificates of naturalization who never went near a court room. Hundreds of the applicants had not been in the United States for five years, as the law requires, — in fact, they had been in the country only a few months, and could not speak a word of English. Their names were placed upon the registration lists of qualified voters and voted on the day of election. How they voted and for whom, was not allowed to be shown by the courts in cases of contest, on the ground that it would deprive *the ballot of its secrecy*, that is, fraud was so sacred that it could not be disclosed.

The facts coming to my attention were laid before a grand jury and a full investigation made. The result was the indictment of many, including not only the "voter" himself but many party bosses and disreputable ward heelers. Among them was a man by the name of Barrett, who at the time was Marshal of the St. Louis Court of Appeals; John Dolan, Chairman of the Democratic City Committee, and many others.

They were brought to trial before the Honorable E. B. Adams, Judge of the United States District Court, and juries. They were found guilty and sentenced to serve terms in the State Penitentiary. The evidence taken at these trials was preserved and

much of it forwarded to the Department of Justice at Washington. The matter was called to the attention of President Roosevelt and he, by special message, called the attention of Congress to the report. To the prompt action of the President the country is indebted for the law that is on the statute books today touching the requirements in the naturalization of aliens.

Under the law as it now stands, an applicant for naturalization must file his application with the Clerk of the Court together with the affidavits of two American citizens as to his qualifications, etc. The application and the supporting affidavits must remain on file for three months before the case can be heard by the court. This is done for the purpose of giving an opportunity to the Government to make further examination, not only of the applicant but of each of the witnesses.

Under an order of the court made by me as Judge, these papers would go to the Chief Naturalization officer, for his further examination and report. The work of Mr. Bevington in this regard has been most satisfactory.

Some of the cases tried by me before Judge Adams went to the United States Circuit Court of Appeals, upon writs of error. The ruling of the court in these and other cases are most important and citations are made therefrom, following the statement of facts, as taken from the opinion of Judge Amidon in the case of *Dolan vs. United States*, in Volume 133, p. 441, of the Federal Reporter. No more shocking recital was ever made in a criminal case.

Barrett's part in the naturalization business

was to stand in front of the judges and take from the aliens who passed into the court and before the judges a certain slip of paper which the alien bore, and which was of the following purport: "Hon. John H. Murphy, Clerk of the St. Louis Court of Appeals: Please deliver to the party named certificate of citizenship." This slip of paper was signed by the proper member of the City or the Jefferson Democratic Club of St. Louis. Barrett would lay these slips on the desk of the clerk of the court. Some of the slips he wrote himself, and some of the certificates of citizenship he delivered to the applicants. The evidence shows that the naturalization of aliens was carried on in this court on the evenings of the 6th, 8th, and 10th of October, 1902, on an extensive scale. The aliens were collected in the corridors of the court and grouped according to their nationality—Russian Jews, Bohemians, Italians, etc. At the proper time each group would be moved forward into the courtroom and the oaths administered to the aliens. The same witnesses testified generally for the whole group. To prepare for this large volume of business, the clerk, previous to the session of the court, signed and affixed the seal of the court to a large number of blank certificates, so that all he had to do was to fill in the names and the country of the applicant's nativity, and deliver the papers to the aliens or to some of the managers who had them in charge. He would afterwards make up his record from the slips.

This jurist in *United States v. Lenore*, 207 Fed. 867-8, described the fraud situation that had prevailed in the following language:

In 1902 fraudulent and illegal practices in the naturalization of aliens were discovered in the

city of St. Louis, Mo. Some of these misdoings are recounted in the opinion in *Dolan v. United States*, 133 Fed. 440, 69 C. C. A. 274. The prosecutions which resulted in the Eastern district of Missouri led to investigations in other cities, and the discovery of many fraudulent and illegal practices in the issuance of certificates of naturalization. In some cases perjury and subornation of perjury were resorted to for the purpose of deceiving the court and obtaining certificates for aliens who had not resided in the country for the requisite time. In other cases foreigners were marched into the court in large companies, and the oath of allegiance administered to the whole company, although many of them were unable either to speak or understand the language that was used. Two persons made the ordinary witnesses' oaths for the whole company. Upon this sham and spurious proceeding certificates were issued. In other cases clerks of court issued such certificates, without any proceeding in court whatever, and fabricated a judicial record to support the certificates. It was even discovered that some clerks were engaged in a regular brokerage business in certificates of naturalization. This practice went so far that some of these certificates were sold to aliens residing abroad, who had never been in the United States, in order that they might be used for fraudulent purposes, both with respect to foreign countries and this country. The result of these investigations was gathered together in an elaborate report, which was presented to Congress and resulted in the passage of the act of 1906. Congressional Record, vol. 40, part of page 7036; House Documents, col. 44 (Miscellaneous) 59th Congress, 1st Session.

Again, in *United States v. Janke*, 183 Fed. 278,

Judge Amidon made reference to the same subject, as follows:

In the year 1906 Congress had before it for months the question of the proper regulation of the admission of foreigners to citizenship. The subject had been brought impressively before the country by the discovery that extensive frauds had been committed under the laws then in force. In cases arising at St. Louis (*Levin v. U. S.*, 128 Fed. 826, 63 C. C. A. 476; *Dolan v. U. S.*, 133 Fed. 440, 69 C. C. A. 274) it appeared that corrupt politicians, in order to forward their corrupt purposes, had gathered together mobs of foreigners and brought them to the courthouse, grouped according to their nationality—Huns, Italians, Armenians, and Jews. They were collected in the corridors of the courthouse, and each band placed under the generalship of a policeman, and then marched in blocks before the judges of one of the high courts of that city, and there, under a merely formal ceremony, in which the oath was administered to the entire block, they were admitted as citizens. In some cases the formality of going before the court was omitted, and citizenship papers issued to lists furnished by ward politicians. Upon investigation it was found that many of these people had been in the United States for only a few days. Similar frauds were subsequently discovered in other cities. These prosecutions apparently played a vital and important part in putting an end to the naturalization frauds that had for years disgraced the country.

By Executive Order of March 1, 1905, President Theodore Roosevelt appointed a Commission on Naturalization, which submitted an elaborate report

on November 8, 1905. This report was communicated to Congress December 5, 1905, and is known as House Doc. No. 46, 59th Cong., 1st. Sess. This resulted, in due course, in the enactment of what is now known as the Naturalization Act of June 29, 1906, which, with a few amendments since added, represents the existing statute.

This act of June 29, 1906, was the first revision in a century of the laws pertaining to naturalization. It did not depart from the framework of what had theretofore been the law. It did embody, in the main, the amendments urged in Congress, from time to time during the preceding hundred years, but which for one reason or another had not been adopted.

There were two outstanding features of the act of June 29, 1906, the need of which were fully demonstrated by the St. Louis fraud prosecutions. The first of these reserved the right to the United States to appear and to be heard in connection with each and every naturalization application filed. The second provided a method of cancellation of those decrees of citizenship illegally or fraudulently procured or granted.

NORTHERN SECURITIES CASE

Many cases of great importance were heard and decided by the Circuit Court of Appeals for the 8th circuit during the years that I was United States Attorney, but the one involving a momentous question over which the greatest legal battle was fought before the court at St. Louis was that of the United States against Northern Securities Company and others. The court was composed of Judges Caldwell, Sanborn, Thayer and Van Devanter. My recol-

lection is that only Judges Caldwell, Sanborn and Thayer participated in the decision. The suit or proceeding was a bill in equity instituted in the Minnesota District under and by the direction of Honorable P. C. Knox, the then Attorney General of the United States.

The controversy involved the Sherman Anti-Trust Act of 1890, declaring illegal "every contract, combination or conspiracy in restraint of trade or commerce among the several States or with foreign nations." The case is fully reported in Vol. 120 at page 721 of the Federal Reporter. Briefly stated, it was a proceeding against the Northern Securities Company, the Northern Pacific Railroad Company and the Great Northern Railroad Company. The last two named defendants were the owners of two lines of railway, running almost parallel with each other that extended from St. Paul, Minneapolis and Duluth across the continent to Puget Sound. These roads were in the estimation of the public regarded, and properly so, as competing lines. In the spring of 1901 they united in purchasing about 98 per cent of the entire capital stock of the Chicago, Burlington & Quincy Railroad Company and the stock purchased was of the par value of (\$107,000,000) one hundred and seven million dollars.

During the year 1901, the two railroad companies, the Northern Pacific and Great Northern, acting in concert, conceived the idea of placing a large majority of the stock of both companies in the hands of a single owner. The stockholders agreed to form a corporation under the laws of New Jersey, which when organized should buy all or the greater part of the

stock of the two defendant railroad companies. Accordingly the Northern Securities Company was organized with a capital stock of four hundred million dollars (\$400,000,000), that sum being the exact amount required to purchase the stock of the two defendant railroad companies. Shortly after the corporate organization, it purchased the stock of the two railroad companies and *paid for it with its own stock*. This placed the control of the two railroad companies in the hands of a single person, The Securities Company. This brought to the front the legal question as to whether such a combination and agreement fell within the inhibition of the Anti-Trust Act, or not.

It was alleged in the bill that the defendants entered into a combination or conspiracy in restraint of trade, and prayed for an order of court prohibiting the Securities Company from exercising any control over the corporate acts of either of the two railroad companies — or in other words, to practically set aside all that had been done in pursuance of the unlawful conspiracy. The bill (as before said) was filed in Minnesota, but was removed to St. Louis for hearing before “at least three judges” of the Court of Appeals.

At that hearing there was probably the greatest array of counsel that had ever appeared in that court. The Government was represented by D. T. Watson of Pittsburgh, Special Counsel James M. Beck, and W. A. Day, Assistant Attorneys General. The Securities Company by Ex-Attorney General of the United States, John W. Griggs of New Jersey, and George B. Young. For the Great Northern Railroad

Company, M. D. Grover, and for the Northern Pacific, C. W. Bunn. There were several other lawyers of ability representing other individual defendants.

The arguments lasted for, I think, three days, and were listened to by a great number of lawyers and other citizens who were attracted to the court by the importance of the questions involved and by the reputation of counsel engaged. All of the arguments made were able and interesting, but those of Messrs. Watson, Beck and Griggs were considered the ablest and strongest.

The case was submitted to the court and taken under advisement. There was, as I learned, no immediate consultation by the judges — for the reason that at the close of the arguments Judge Sanborn was called out of the city. It was several days before he returned and his absence greatly disturbed Judge Caldwell, for he was anxious to dispose of the case and to get away from St. Louis. Any one who knew Judge Caldwell can well understand his impatience. He was honest, fearless and true, but once in a while would “speak out in meeting” about cases under submission. While he never at any time before the decision was reached stated his own opinion about this case, it was easy enough to see the “bent of his mind.”

Before the decision was handed down I was called to Washington by a telegram from the Attorney General, P. C. Knox. I arrived there on Sunday evening, the 29th of March, 1903, and that evening at his residence saw the Attorney General who, of course, was anxious to know at what time the case

would likely be decided and the probable attitude of the judges. He asked my opinion as to the result. I told him that I believed the decision would be in favor of the Government—not from anything the judges or either of them had told me, but from the undisguised manner of Judge Caldwell, not only upon but off the bench as well. He also asked who I thought would write the opinion in the case. I *guessed* Judge Thayer.

From the Attorney General I learned that the President (Roosevelt) was greatly interested in the case and had been anxious for the decision to be made before he started on a tour to the Pacific Coast, beginning April first. He was to speak at Milwaukee on the third, and had planned to say much about the Anti-Trust (Sherman) law, and to denounce such combinations and conspiracies in restraint of trade and commerce as the Northern Securities case furnished. He wanted to be secure in his footing before he spoke, and hence was anxious that his denunciations, if made, would not be answered by a court decision. My predictions to the Attorney General as to the decision and by whom it would be written, were verified on the ninth of April when the case was decided by a unanimous court. I called on Monday, March the 29th, at the White House to pay my respects to the President. I found him in splendid humor and full of his trip to the West. No mention was made by either of us of the Securities case. With boyish glee he said, "On my trip I am to pass through Pike County and I would be glad to have you meet me at Hannibal and accompany me from there to St. Louis." I, of course, was greatly

pleased to accept the invitation. On March 30th, I left Washington for home, and the President on the following day, April 1st, left on his trip to the West.

He went to Chicago, Milwaukee, St. Paul, Sioux Falls, Billings, Montana, and other points, and came into Missouri from Keokuk, Iowa, in the morning of April 29th, on his way through Hannibal and Louisiana to St. Louis. Before this time Judge Thayer on the ninth of April, handed down the decision in the Securities case.

Knowing the day that the President was to pass through Pike County, my old home, I asked Judges Thayer and Adams and William L. Morsey, the United States Marshal, to go with me to Hannibal and meet the President. They accepted the invitation and early in the morning of the 29th of April we left on the Burlington road for Hannibal. At Louisiana I found standing on the railroad platform my old friend, Congressman Champ Clark, waiting to take the train. He told me that he was going to Hannibal to meet the President, accompany him down through the old Ninth District, and introduce him to his (Clark's) constituents. This he did in a most gracious manner.

At Louisiana an incident occurred that made a deep impression on me. Colonel and Mrs. Charles G. Buffum, then and now residents of Louisiana, were very anxious to have their little daughter, Mary Frances, then about two years old, shake hands with the President. I took the child in my arms and followed the President on to a platform where he was to speak, and while he was shaking hands with the child the platform gave way with a crash. Fortun-

ately no one was hurt, but as the platform went down he turned to me and said, "Dyer, take that child away." His only anxiety seemed to be for the child, and, strange as it may seem, I never met him afterwards that he did not ask about "little Mary Frances."

He has gone to his reward, and Mary Frances has grown into beautiful young womanhood.

The case of Northern Securities Company decided by Judges Caldwell, Sanborn and Thayer was taken to the Supreme Court of the United States, where the decision of the lower court was affirmed by a majority of the judges in an opinion written by John Marshall Harlan, one of the greatest judges that ever sat in that court. Thus ended a controversy that was far reaching and most important. The opinion of the Supreme Court will be found in Vol. 193, at Page 197 of United States Supreme Court Decisions.

While I had no active connection with this case either in the Circuit Court of Appeals or the Supreme Court, it was of such great importance that I have deemed it well to mention it in these reminiscences.



LIKENESS OF MRS. DYER ON HER GOLDEN WEDDING DAY

XVI

GOLDEN WEDDING ANNIVERSARY

Fiftieth Celebration of Our Marriage — Death of my Wife — A Prayer.

In every life, I dare say there is more or less of sunshine and cloud, more or less of joy and sorrow, more or less of pain and anguish, more or less of riches and poverty, more or less of hope and doubt, and more or less of that loving spirit that reaches up to God. Much of the matter contained in these imperfect reminiscences can interest only those of my kindred. It is for them and them alone that a great part is written.

I have given a very imperfect account of my meeting with Lizzie Chambers Hunt, our marriage that followed three years later, and the fifty years of happiness that ensued.

The picture of my wife that appears here together with the picture of the group was taken on the day of our Golden Wedding. In this group appears each of my children; my sons-in-law; my daughters-in-law; and my grandchildren. These with my wife and myself number twenty.

On the 15th of November, 1910, my wife and I celebrated at home our fiftieth marriage anniversary — our golden wedding. It was a date that both of us

had looked forward to with great interest and had hoped to celebrate together. She was not strong and robust as she once was, but the good Lord had been kind to her and to me, and the day that marked the culmination of fifty years of married life, found us reasonably well. It was a beautiful one, too,—much the same as was the 15th of November, 1860. I held court, as was my duty, until 3:00 P. M. At 5:00 P. M. dinner was served.

There were present all six of my children, Ezra Hunt; Emma Grace Dyer Hunting; David P. Jr.; Elizabeth L.; Horace L.; and Louise Dyer Fay, together with Julia Gregg, wife of Ezra Hunt; Edgar W. Hunting, husband of Emma Grace; Maud Ensign, wife of David P. Jr.; Betsy Wilcox, wife of Horace L.; and A. F. Fay, husband of Louisa Dyer. There were present also seven grandchildren: Orian Elizabeth, daughter of Ezra Hunt and Julia Gregg Dyer; David Dyer, Robert Cutler and Edgar Hunt, sons of Edgar W. and Emma Grace Hunting; Louise Ensign, daughter of David P. Jr., and Maud Ensign Dyer; David Wilcox, son of Horace L. and Betsy Wilcox Dyer; and Claudine Fay, daughter of A. F. and Louise Dyer Fay—in all seventeen. Forming a part of my immediate family was Claudine Hunt, the youngest sister of my wife.

In addition to all of these there were also present and at dinner, Colonel Levi P. Hunt, brother of my wife, and his daughter, Ellen Louise; Margaret and Claude Edwards, niece and nephew of my wife; Mrs. Martha L. Burnett and her daughter Mrs. Buell, of Louisiana, Mo.; Mrs. N. A. McCarty, of Cadiz, Ky.; Miss Leslie Abbott; Senator William Warner; Mrs.



THE GOLDEN WEDDING ANNIVERSARY
JUDGE AND MRS. DYER, THEIR CHILDREN AND GRANDCHILDREN

James O. Broadhead, widow of my old preceptor; Colonel and Miss Dahlgren; and Reverend James Wise and wife. The total number at dinner including my wife, daughter Elizabeth and myself, numbered thirty-five.

During the evening there were many callers, and altogether there was a happy gathering. Since that joyous day, many of those present have passed into that "undiscovered country from which no traveller returns," among them being my wife and my daughter-in-law, Julia Gregg Dyer, Mrs. Martha L. Burnett, Senator William Warner, Mrs. James O. Broadhead, Miss Dahlgren, and Colonel Levi P. Hunt.

The fifty years of our married life were passed but a gracious Providence permitted almost six years more to go by before the family circle that gathered together on the 15th of November, 1910, was broken. On the 1st day of January, 1916, the soul of my wife took its flight to the world beyond the stars. How faithful, sweet, loving and patient she had been for the fifty-six years of our married life no one can measure.

In this loss I was greatly comforted by the children she had borne, by Claudine Hunt, her sister, and by gentle and loving friends. Some kind friend (I do not know whom) sent me a copy of a beautiful prayer that had been said by a husband bereft as I was. This prayer I have repeated many times, and I insert it here, to the end that others may see and appreciate it when I am gone:

Grant unto her, O Lord, eternal rest and let light perpetually shine upon her.

O, God, the God of the spirits of all flesh, in

whose embrace all creatures live, in whatsoever world or condition they be, I beseech Thee for her whose name and dwelling place Thou knowest. Lord, vouchsafe her light and rest, peace and refreshment, joy and consolation in Paradise, in the companionship of saints, in the presence of Christ, in the ample folds of Thy great love.

Grant that her life (so troubled here) may unfold itself in Thy sight and find a sweet employment in the spacious fields of eternity. If she hath ever been hurt or maimed by any unhappy word or deed of mine, I pray Thee of Thy great pity to heal and restore her, that she may serve Thee without hindrance. Tell her, O gracious Lord, if it may be, how much I love her and miss her and how I long to see her again: and if there be ways in which she may come, vouchsafe her to me as a guide and guard and grant me a sense of her nearness in such degree as Thy laws permit. If in aught I can minister to her peace be pleased of Thy love to let this be, and mercifully keep me from every act which may deprive me of sight of her as soon as our trial time is over or mar the fulness of our joy when the end of the days hath come.

Pardon, O gracious Lord and Father, whatsoever is amiss in my prayer, and let Thy will be done, for my will is blind and erring but Thine is able to do exceeding abundantly above all that we ask or think, through Jesus Christ, our Lord. Amen.

XVII

OCTOGENARIAN

Eleven Years on the Bench — My Eightieth Birthday Celebrated by Friends — Reprint of Speeches and Letters — Retirement.

I never was and never pretended to be the equal in learning and legal ability of the distinguished men who preceded me on the bench of the United States District Court for the Eastern District of Missouri, but in the eleven years that I served as judge, prior to my 80th anniversary, I was fortunate in having the confidence and friendship of many judges, lawyers, and other citizens.

On the morning of February 12, 1918, there was assembled in the Court room in which I presided, a large gathering of my friends and acquaintances. On that day the following proceedings took place.

FELICITATIONS

OF THE BENCH AND BAR AND OTHER CITIZENS
TENDERED TO THE

HONORABLE DAVID P. DYER

Judge of the United States District Court
For the Eastern District of Missouri

ON HIS

EIGHTIETH BIRTHDAY

ST. LOUIS, TUESDAY, FEBRUARY 12th, 1918

CONGRATULATORY MEETING

of

The Bench and Bar of St. Louis and other Citizens
in Honor of

HONORABLE DAVID PATTERSON DYER

United States District Judge
Eastern District of Missouri

Tuesday, February 12th, 1918

Ten O'Clock A. M.

COMMITTEE IN CHARGE OF PROGRAM

HON. JAMES E. WITHROW

Ex-Judge Circuit Court, City of St. Louis, Chairman

HON. HENRY S. PRIEST

Ex-Judge United States District Court

HON. ALBERT D. NORTON

Ex-Judge St. Louis Court of Appeals

HON. MATT G. REYNOLDS

Ex-Judge Circuit Court, City of St. Louis

FREDERICK N. JUDSON, Esquire

HON. SELDEN P. SPENCER

Ex-Judge Circuit Court, City of St. Louis

HON. WALTER H. SANBORN and HON. WILLIAM C. HOOK, of the United States Circuit Court of Appeals, Eighth Circuit, occupied the bench with Judge Dyer.

The United States District Court for the Eastern District of Missouri, convened in regular session on Tuesday, February 12th, 1918, at ten o'clock a. m. in the Court Room, St. Louis, Missouri.

Hon. Walter H. Sanborn and Hon. William C. Hook, were seated on the Bench with Judge Dyer.

Hon. James E. Withrow announced that it was the purpose of those present to extend to Judge Dyer their congratulations upon his Eightieth Birthday, and thereupon the following proceedings were had:

HON. JAMES E. WITHROW, Presiding.

The Chairman: If the Court please, a large number of the members of the bench and bar, some ladies, and many other citizens, have assembled here today to tender their felicitations to your Honor upon the eightieth anniversary of your birth.

It has been your Honor's good fortune to have held as many important official positions as any man in Missouri, and you have discharged your duty in them all with ability and efficiency, and to the satisfaction of the people.

Having lived to a happy old age, we sincerely trust that you may yet be spared for many years to enjoy the brilliant evening of an eminently successful and well-spent life, surrounded by your family and friends.

If the Court please, as we all know, Judge Henry S. Priest is the only living predecessor of your Honor in the office of Judge of the United States District Court for the Eastern District of Missouri. Our Committee in charge of the program thought it would

be eminently fitting for him to be called upon first. He is present and will make a few remarks.

JUDGE HENRY S. PRIEST

The eightieth anniversary of your birth affords the members of your bar a fitting occasion to express to you their affectionate congratulations. They rejoice that in your pilgrimage thus far you have enjoyed more than the usual happiness that attends mankind; that God gave you health and strength to do the many good things your generous spirit and benevolent ambition led you to do; that you have served your fellows and your country unselfishly and heroically; that you have the light of vast experience and observation; and they hope that many happy years may yet be added to the span of your life so that they may enjoy the delights of your companionship, the counsel of your wisdom and the example of your deeply imbedded and generously cultivated humanity and patriotism.

You came to your profession under the training of an older thought that gave development and mastery to the man. The Constitution and Statutes, Blackstone and Kent, was the lawyer's library. With the summary of the purpose and function of government as expressed in the Constitution, and the principles of natural justice, attested by tradition and sanctioned by reason, they were prepared to vindicate right, justice and liberty and repel all aggressions against them. Their authority was reason. They studied humanity, its strength and its weakness, and sympathized with it. They were leaders of men and guided by high ideals. Out of the coinage of their

own intellects they made precedent to meet the complications of advancing or enlarging civilization. They knew morality and ethics, and used them to break the harshness of cold logic.

What a galaxy of these old heroes you can recall! You were with them and of them and in their front ranks. There were Henderson and Fagg, of the bar to which you were first admitted, Broadhead, Glover, Shepley, Gantt, Noble, Wagner, Vest, Adams, Finkelnburg and Medill. Those are merely some of your earlier distinguished colleagues. They have gone to rest. Their memory is a rich legacy to the bar, and what must be the memory of their association to you in all the fullness and abandon of its intimate friendship?

But a few have continued on, as you have, to gladden us with their society and enrich us with their wisdom and counsel. Col. Wells H. Blodgett, Judge John F. Philips, Judge Geo. H. Shields, Judge Chester H. Krum, Judge Rassieur, Judge Rombauer and Governor Johnson are still nestors of the bar.

I recall but one of this coterie of great men who was not shoulder to shoulder with you in that great tragedy of the Civil War, that meant so much for the destiny of our people. We issued from that conflict a nation with implied powers as broad as national necessities. Until 1887 the average lawyer had little need to refer to the Federal Statutes. The sharp departure from the course of national legislation then began as to the instruments of interstate commerce — it has now extended vastly, to things and persons also. There is a constant tendency in human nature to un-

wisely use power. It is safe in wise hands — subject to absurd extravagances in unwise hands.

Changes, vast changes, in the concept of the province of government, its methods, administrators and the mutual relation of government and its people have come upon the stage for trial. Whether they shall be progressive or retrogressive, endure for good or be abandoned as hurtful, depends upon the intelligence and patriotism of the people, and the action of the people depends upon the character and wisdom of their leaders.

What a wonderful period the span of your life has covered! What momentous changes have taken place! Perhaps in no like period in the annals of the world has human activity been more energetic and progressive. Agriculture, industry, science, art, transportation and politics have bounded forward with leaps.

By territorial expansion and contiguity this nation has advanced to the foremost position in international power, and is engaged in conflict that its high aims and purposes may be vindicated, perpetuated and impressed upon the civilization of the world.

As you have aided by precept, counsel and authority in this sacred contest, may you live long to see and enjoy the fruits of its early and happy termination.

The Chairman: The next speaker selected is a friend of your Honor's early manhood, Governor Charles P. Johnson.

GOV. CHARLES P. JOHNSON

May it please the Court, and Judge Dyer:

I am here to congratulate you upon reaching your eightieth birthday. I take great pleasure in doing so upon this happy occasion, and I voice the wishes and feelings of the Bar, who here largely represented unite with me in that congratulation. I do so not only because of your having reached such an advanced age, but I congratulate you upon a long and successful career that reflects credit upon yourself; credit upon all those endeared to you, and credit upon the bar of the City of St. Louis and State of Missouri.

And I do not deem it inappropriate on this occasion to refer to some events in that career authorizing my assertion.

You and I met in the dawn of youth; we stepped upon the platform of actual life together with all the buoyancy of youth. Nearly sixty years have passed since the first meeting between us, and since that time uninterrupted friendship has existed. We have professionally and politically almost run in parallel lines. What I say therefore comes from the heart, as well as from the intellect. I speak in the voice of friendship.

I remember in those first days of our association I found out your ambitions; I found out your ideals; I found out what was in you. You had just come from the school of boyhood—that pioneer school, rough in itself, that made strong, vigorous and manly men. We both had gone through that. It was a period that made notable and great men.

You came from that school and entered on your public career just at a period of the most vital history

of the nation. I consider with great satisfaction the remembrance that I stood beside you.

Over fifty years ago we were both members of the House of Representatives. I might say a revolutionary government existed. Our Governor was a rebel. I remember how firm you were in your defense of Abraham Lincoln, as against the sneers of the party opposed to us, and in favor of secession. I remember then the spirit that actuated you; the love of country and the patriotism you had in your heart, and I learned at that time the aspirations and ambitions in you which were to lead you on in the course that you have since followed.

Time will not enable me on this occasion, nor is it appropriate for me to deal too particularly upon those associations. But that was the first chapter in your life when you showed what you thought and what you believed. From that on further honors were extended to you. There came a time for carrying into practical methods, I might say, your ideals. You joined the army. You belonged to that grand army who fought for the preservation of the Union and you were willing to give your life for your ideals. You heard the call of duty and patriotism and obeyed it, and as your friend I looked with pride upon you. You bore yourself well as a soldier.

When the war was over you returned to your profession. You always loved your profession. I know that. You returned to your profession and remained there until that grand old man whom you and I both knew, Ulysses Grant, appointed you to the responsible position of District Attorney. The record of the time you served needs no comment in your behalf.

The record of David P. Dyer when he held that office was a brilliant one. He fought corruption in the highest as well as in the lowest places. Bravely, fearlessly and without favor he fought in the legal arena and brought down corruption and the corrupt, with one exception. I remember upon one occasion when that occurred he said to me that if he did not bring him down, he at least roosted lower.

There were great men in that time who reflected credit upon the Bar. A great judge, Dillon, sat upon the bench, and at the Bar appeared some of the brightest, fairest and greatest legal intellects of the country. There were notable forensic combats; they reflected credit upon the country, and they were not surpassed by the notable forensic efforts in England. Those trials are historical. As time passes on and the student of law reads of that period he will read of the mental and intellectual combats of that time.

You stood the equal of any of them; you held your own in those combats, and you held it fearlessly. I am proud to recur to that period as your friend.

I cannot help but associate your career in some respects with my own. We were rarely divergent politically. In the halls of Congress you were right in the policy you adopted in the reconstruction movement. I was wrong. That was one of the small divergences. Your record in Congress was an honorable one. But I have not the time to dwell on that.

But honors come again, and that typical American, that man who represents, as you might say, the longings and aspirations of the republic — Roosevelt, appointed you to the position that you occupy. You have faithfully and fearlessly served in that capacity.

You will pardon me if I refer to one characteristic that was always predominant in my friend Dyer — he always had and has a sympathetic heart. In the administration of the serious duties as a prosecutor, he never oppressed; he even extended sympathies to my poor, opium-eating Chinamen; and the same can be said of him in his action as a Judge.

And now old age has come upon you, comparatively speaking. Eighty years is a pretty good age. I have a right to talk, because I am your senior, and I always did talk to you “from the shoulder.” I state to you, and it is not the voice of flattery, that your record is a great and notable one; that you have made it in all the positions that you have ever held. I know you do not like flattery, but I state the truth. You ought to be congratulated (as I congratulate myself) and you ought to consider yourself grandly blessed because of the great period in which you have been allowed to live.

What a grand era in the history of the world has passed over in eighty years! What mighty events; what advances in every direction in the civilization of the world; and what a grand galaxy of men you and I have met at the Bar during that period! I might recall them, but some were recalled by my friend, Judge Priest. They were great men. Almost all of them have passed away, but you are still here in vigor.

And now let me ask what is the reason of the honors that you have here extended to you? Why have you been a success? I will tell you why, and I know whereof I speak. The motto guiding you in your career, which, like many of the young men

of that earlier period, you received from your Christian mother, was "Do your duty." Regardless of all other considerations, that has been your object in every responsibility that has been placed upon you. "Do your duty." It is the same motto that has influenced and moved men in every really heroic action in the history of the world. It should be the motto of every young lawyer at the bar who expects success and a conscientious realization of his own worth before he lays down his life and goes to his grave. "Do your duty." You have done nothing if you have not strived to do that. That is the touchstone of your success, and nothing more. You are not entitled to extraordinary consideration for doing that, because most all good men try to do the same thing, but you have been peculiarly blessed in doing your duty, and received the highest of honors for the manner you did it.

And now in conclusion: You have lived to see your beloved country occupying the leading position among the nations of the earth, forced into and embarked in the greatest war the world has ever witnessed. A war for humanity, for right, for justice, for a higher civilization. I know how it stirs your patriotism. Well, let me express a wish that you may live at least long enough to see the triumph of our country in the mighty conflict, the destruction of autocracy, the spread of universal democracy, the brotherhood of nations and the security for all time against the evils and horrors of war.

The Chairman: Mr. Frederick N. Judson, a prom-

inent member of the State and Federal bar, will now address the Court.

MR. FREDERICK N. JUDSON

May it please your Honors:

It has been wisely said that it is not so important how many years a man lives as it is how much he lives. How forcibly this is impressed upon us when we review your Honor's career!

It was your good fortune to begin active life in the great State of Missouri shortly before the Civil War; indeed while the prelude to this great drama, which was about to convulse the nation, was being enacted within the borders of Missouri.

Owing to our divided population the Civil War had a meaning in this State which it did not have in any other part of the country.

You not only served your country in this national crisis in the army, but also in the legislature of this State, where you assisted in the grave legislative problems presented by the war.

After the Civil War, as a member of the National Congress from this State, you aided in the different problems of reconstruction of the Southern States, and thus participated in this grave crisis of our national history.

Returning to the bar after this public service, you were called to act as public prosecutor for the Government, and your term of office was notable for the successful conduct of prosecutions which engaged the attention of the country.

With your years of successful and honorable ser-

vice at the bar, both State and Federal, we are all familiar.

I cannot forego reminding your Honor of your notable service as a citizen when you served the Church, as well as the State, in the Diocesan Convention of the Episcopal Church, where you rendered notable assistance in calling to the Bishopric of the Diocese of Missouri the venerable and beloved Bishop Daniel S. Tuttle, who has himself but recently reached his four score years, and is still in the active discharge of his duties as the presiding Bishop of the Episcopal Church of the United States.

After again acting as prosecutor of the Government, you were called to the Federal bench—the crowning honor of your career. It is indeed fitting that your busy life, which began with the service of your country and State in the Civil War, should end with the expounding and enforcing of the powers of the Federal Government expanded for the greatest war of human history.

How much indeed have you lived in the midst of such stirring events of the world's history. You may say, in the words of Virgil, "*quorum pars magna fui.*"

Above all we must felicitate your Honor on this notable occasion in that you have the rare fortune of preserving to the evening of life the courage, the geniality, the enthusiasm and the broad love of humanity, which are the incidents of youth.

God grant that for many years to come you may enjoy the memories of your busy and useful life.

The Chairman: If the Court please, Judge Krum

has also been requested to make a brief address to-day.

JUDGE CHESTER H. KRUM

If the Court please, and my brethren of the Bar:

There is one good thing at least pertaining to the whirligig of time: It has its compensations in that it is constructive as well as destructive.

When, in 1864, Mr. Justice Samuel F. Miller, of blessed memory, admitted to the bar of this Court one David Patterson Dyer, perhaps he little dreamed, doubtless he had no occasion to even surmise, that in the course of time the person so appointed would become the Judge of this Court, worthy successor of a line of distinguished men.

His Honor, Judge Dyer, will perhaps recall that my own admission to this bar, at the hands of the same eminent jurist, antedated his own a few months, and that when he, Dyer, approached me for the purpose of learning, if he could, how it was that I happened to get through, and I told him that it was probably because I was at that time so exceptionally well grounded in the rule in Shelley's case, Dyer assented without the slightest hesitation. On the other hand (perhaps he will agree with me that I have an indistinct recollection — possibly fortunate because it is indistinct) when I went to him after he was admitted, and implored him to indicate to me, if he could, how it could have happened that he got through, he said, "The fact is, Krum, I put one over on the great expounder of the Constitution. When he asked me that searching question in that profound way of his, 'Mr. Dyer, what is fee simple?' I told him, 'Well,

Judge, fee simple — ahem — fee simple; fee simple and a simple fee, and all the fees entailed are nothing when compared to thee, thou best of fees, female.' ”

Now, I submit that Mr. Justice Miller, feeling that he could not help himself, was led thereupon to admit that candidate without further inquiry.

But, my brethren, an occasion of this description is peculiarly auspicious; that is, to the Bar. It is not often that a Bar has its Judge at such a disadvantage that all that he can do is to receive and accept whatever is said to him, or in regard to him, without protest on his own part and without the privilege of even entering a single exception.

Yet the occasion is not altogether without advantage to the Judge. He receives high encomiums, hearty congratulations, and the Bar finds him at eighty wide awake (somewhat obstreperous on occasions, to be sure), and always showing that he is possessed of good, sound common sense. So the Bar must conclude that if a Judge of that description is found here at this advanced age, there could not have been much foundation for the suggestion of Montaigne that “The age of youth is the summit of human efficiency.”

It may well be that the world was dominated by the Emperor Augustus at the age of nineteen, as has been noted by this garrulous but distinguished writer, but Montaigne (I speak with impunity) never had the mellifluous privilege of encountering at eighty, or thereabouts, one David Patterson Dyer, when he felt called upon to indicate some views on the part of the Court in contradiction of views expressed by counsel with whom he did not happen at the time to agree.

Why, my brethren, it has been said that there are nights which are filled with music, but I take it that there have been court days when in a jurisdiction not necessary to be named, sonorous metal has been employed blowing martial sounds. Prudence requires that I should neither name the occasion, nor indicate the employer of the sonorosity.

The Judge has another advantage well worth bearing in mind. He receives all the encomiums and testimonials of esteem by way of *ante* rather than *post mortem* presentation. Now, although I have had no experience in that direction, I deem it safe to indicate that almost anyone would prefer the *ante* to the *post* method of exploitation.

But, Judge Dyer, your Bar sincerely congratulate you upon this occasion. They feel with yourself, that the standard by which the Bar should be guided, is the standard which is erected by the Judge himself.

In the presence of this eloquent line of presentations of your predecessors portrayed upon these walls, together with that of yourself, a spirit of emulation is necessarily aroused, and to those who are coming on to future successes there must arise the hope, "*Forsitan et nostrum nomen miscebitur istis.*"

Judge, it would be an injustice to my own sense of propriety if I did not upon this occasion approach you with a presentation of far deeper import than that which would ordinarily proceed from a member of your Bar. Lowell bade Holmes erase those silly records that made believe that he was seventy-five. May I not with that great poet say, "You are the old Dyer still to me, and that is the youngest man alive."

“You keep your youth like yon Scotch firs
That my horizon hems,
Though twilight all the lowland blurs
Hold twilight in their ruddy stems.
Outlive us all; outlive us all!
Who else like you could sift the seed corn from
our chaff?”

The Chairman: If the Court please, as your Honor well knows, on occasions like this sometimes the best of the wine is reserved until the last of the feast. We were not sure until this morning that Judge Philips, of Kansas City, would be here, so we placed him at the bottom of the list, although he deserved to be at the top to tell what he knows about your Honor. You were colleagues in the Union Army, and afterwards both of you were upon the Federal bench in Missouri. Every man, woman and child here today wants to hear from Judge John F. Philips.

HON. JOHN F. PHILIPS

Judge U. S. District Court, Western District
of Missouri
(retired)

May it please the Court, and ladies and gentlemen:

I am sure that I will get your good opinion of my judgment when I say at the outset that my talk will be much briefer than my subject.

Notwithstanding the fact that Judge Dyer came and talked at my funeral when I ceased to be a Judge, he has positively refused to die while I live, for fear

that I might talk at his funeral. I therefore seize with avidity this opportunity to tell him to his face what I think about him.

I saw Judge Dyer's ascending star rise in the political and professional sky as far back as 1860 and 1861. From that day to this I have marked his course with keen interest, because there was something wonderfully attractive in his personality; in what he said and how he said it; and in what he did and how he did it. Through all the vicissitudes, changes and revolutions of the cumulative years we have rarely diverged in sentiment. We have held in common the same ideals of citizenship, and we have drunk the same inspiring spirit of patriotism.

Judge Dyer's career has made a red-letter chapter in the history of Missouri. He has been honored by the State, and he has honored the State. He has been honored by the Nation, and he has honored it. Without any pretention to academic attainments, or to "black-lettered wisdom," such were his intellectual endowments, his self-assertion and aggressiveness, and his gifts of speech, that by the very force of specific ascension he rose to high positions of distinction. And possessing in rare degree that indefinable quality of mind and heart that drew, like a magnet, to him men of all classes, he has made few enemies and lost fewer friends than any man of affirmation I know. The only things in his public life, known to me, that detract from his respectability, are the facts that he was a member of the State Legislature and of Congress. But he has lived so long, after these acts, that the episodes have been almost forgotten by the

public, and it may be ungracious to recall these incidents on an occasion like this.

Breathing, as he did, in his "May of youth and bloom of lustihood," the atmosphere of Pike County—that generated lawyers, legislators, statesmen, office seekers and office holders, as the genial sunshine of spring kindles into energized life the seed in the ground, it was not wonderful that he became fired with ambition to achieve greatness and a name.

As a mere side adventure he also sought the "pomp and circumstance of glorious war." Following the high waving plume of his leader, John B. Henderson, he won his spurs in his first encounter with that redoubtable knight errant, General Jeff Jones, of the "Kingdom of Calloway," who, after a day's parley, sued for peace. Putting Jeff under bonds to keep the peace, with a collateral understanding that he should not go outside of the County, unless Henderson and Dyer came into it, Henderson was breveted Brigadier General and Dyer was made a Colonel.

Then eagerly turning his steps into the primrose paths of peace, Dyer began to gather new laurels in civic achievements, and put himself in a receptive mood for anything good that came his way. He met with such success as a lawyer as to attract public attention at home and abroad, resulting in his appointment as United States Attorney for the Eastern District of Missouri. Because of his personal knowledge of the ways of "the whiskey men," he achieved a national reputation in the prosecution of the "Whiskey Ring." A second time was the honor of the office conferred upon him. While he became the dread of vicious offenders against the federal

statutes, he was ever the covert of the innocent, and the good Samaritan of the unfortunate. He so administered his office as to receive the special approval of the Department of Justice. From this vantage ground the way was made easy for his friends to secure him the preferment to the United States judgeship for this district. The only serious objection made to his appointment was "old age," and President Roosevelt awarded him the commission with the understanding that he was neither to die nor resign within ten years. And he has made good. For over ten years he has administered the vast business of this Court without bankrupting it, and it is still "a going concern," doubtless to the great disappointment of the waiting expectants for the succession.

I admire Judge Dyer for his absolute naturalness and sincerity. There is not in his nature an atom of hypocrisy, nor about him the meretricious display of the canting Pharisee. He has never been so bad as he is good. He has never been so temperate that he would not eat when he was hungry, if he could get it, or to refuse to take a drink if he wanted it and could get it. He was never so pious as not to swear on occasions. He was never so amiable as to be inane, or so dignified as to be supercilious. He was never so rich as to become avaricious, or so poor as not to be proud. He never had a dollar he would not divide with a friend — or risk in a game of chance. He has not worn out his constitution with overwork, as he had the philosophy to stop and go "a-fishing" when he felt the approach of weariness.

It may be pardonable to say that as Judge he has

reached the ends of concrete justice rather by intuition than the slower process of induction. With a keen insight into the nature and relation of things, guided by the genius of common sense, Judge Dyer has probably hit about as near the mark as some who exercise a more technical analysis or severer investigation in making applications. So through it all he has preserved a ruddy countenance, instead of presenting a haggard face "all sicklied o'er with the pale cast of thought." Like some of the rest of us, he has been reversed, and consoled himself with the reflection of the late Tom Fimlin, of Kansas, that after all "Law is but the last utterance by way of guess of the last fellow in authority."

Because of the way in which Judge Dyer wears his eyebrows (like the pendant moss from a Southland oak tree), he may not be regarded as a "thing of beauty," but he has always been "a joy forever" to the multitudes who have witnessed the flashes of his wit, caught the drift of his quaint humor, or listened to his exhaustless repertory of apt and original stories, and especially to those who have been brought within the charm of his genuine friendships.

While it is not given unto mortals to make the warm gulf stream of youth flow on indefinitely into the arctic region of age, the octogenarian can find solace in the philosophy of Steele, who said:

"An healthy old man, who is not a fool, is the happiest creature living. It is at that time of life he enjoys only his faculties with pleasure and satisfaction. It is then we have nothing to manage, as the phrase is; we can speak the down-right truth, and whether the rest of the world will

give us the privilege or not; as we have so little to ask of them that we can take it."

While Judge Dyer will never feel the full measure of personal independence and freedom so long as he is manacled with the restraints of office, from experience I can commend to him the wine of old age prescribed by the ancient philosopher. It will exhilarate, if it do not intoxicate.

As today Judge Dyer stands in the sunset glow of life, it must be a sweet satisfaction to him to look back over the long and dusty road he has traveled, and see that no serpent's trail lies over his pathway; no shadow of dishonor rests over it, but that the whole way is flooded with the sunshine of blessings reflected from his fruitful life. And as he looks over this vast assemblage of Judges and lawyers, and other notable worthies, gathered in this chamber to pay the full measure of the tribute of affectionate regard, he feels, no doubt as never before, that after all, "Friendship is the only rose without a thorn."

For yourself, my dear Judge, my wish is that you may remain upon the bench as long as you desire, and your judgment approve; and that like the aloe plant you may flourish and bloom at the century mark; and for myself, that I might be present to say, as I now say, "All hail to the Grand Old Man."

JUDGE WALTER H. SANBORN

We have listened with pleasure, gentlemen of the Bar, to the eloquent tributes to the character and service of our beloved and honored associate, Judge Dyer.

We congratulate him that you have presented these testimonials here and now, while he yet lives in the full vigor of all his mental and physical powers; here and now while he may enjoy that greatest boon vouchsafed to man on earth, the respect, affection and honor of his worthy fellow men. And we congratulate you, his friends and members of the Bar, that you have today the satisfaction of having given him that great gratification.

A loving and devoted husband and father; a friend without shadow of turning; a loyal and active citizen, whose love of country through all his long and honorable career has never known any sacrifice too great to preserve her unity, or vindicate her honor; a soldier who grasped and enjoyed the duties, for the love of his country, of a soldier's life as his greatest joy; a wise, earnest and effective legislator; a successful and renowned practicing lawyer; a prosecuting attorney, whom the guilty had small chance to escape, and an impartial, independent, able and efficient judicial officer, he has well earned all the abundant honors that have been showered upon him, and we join with you in the wish and hope that his vigor, his life and his service may long be continued here.

JUDGE DAVID P. DYER

Members of the Bar, ladies and gentlemen:

I am without suitable and appropriate language to fitly express the gratitude that I feel toward you and others who have kindly come to the court room this morning to manifest by your presence and express by your words friendly congratulations on the

occasion of this, the eightieth anniversary of my birth.

The words that you have chosen to convey such congratulations touch my heart to its very depths. In the necessarily short time that is left to me to be among you, I hope to retain the friendship and good wishes of you all.

It has been said that "with a clear sky, a bright sun and a gentle breeze you will have friends in plenty; but let fortune frown and the firmament be overcast, and then your friends will prove like the strings of the lute, of which you will tighten ten before you find one that will bear the stretch and keep the pitch." However true that may be of others, it has not been so with me, for when fortune in the course of my life frowned and the firmament was overcast, I found not one alone, but many out of ten who bore the stretch and kept the pitch.

In all of the vicissitudes of my long life I have been thankful for "the rose that smiles amidst the thorns and the light that ever shines behind the clouds."

It may not be out of place for me to say in answer to the kind words that have been spoken, that I have tried hard to keep and observe the oath that was administered to me in this court room nearly eleven year ago.

No one knows better than I the mistakes that I have made, but it is exceedingly gratifying to know that you, my brothers, are generous enough to excuse the mistakes and overlook the faults that have been mine. In the time that I have been Judge there have been seventy-three regular terms of the Court held in St.

Louis, Hannibal and Cape Girardeau, and I am profoundly thankful to the "Giver of every good and perfect gift" for the strength of body and mind that has enabled me to be present and open the Court on the first day of each term.

Whatever mistakes I may have made, I never allowed politics to play any part in the conduct of my office. In the few appointments it has been my duty to make, I have endeavored to get the most efficient men for the work, regardless of their politics or religious opinions.

To W. W. Nall, the Clerk, and the efficient force in his office, as well as to Walter D. Coles, the Referee in Bankruptcy, the Court is greatly indebted. The Court is also indebted to the crier of the Court, Mr. McCune, and to the faithful bailiffs who have attended upon the Court.

I am gratified to state that since the consolidation, on January 1, 1912, of the business of the United States Circuit and District Courts for this district, the business of the Clerk's office has never cost the United States a single dollar. The receipts of the office from other sources have been sufficient to pay all of the expenses, including the salaries of the Clerk and his assistants, and in addition thereto has enabled the Clerk to pay a large surplus into the United States Treasury each year. This surplus has been in excess of the salary of the Judge and the per diem of the bailiffs.

In my course on the bench (if I may be permitted to say so) I have tried to administer justice to the rich and to the poor alike. I have tried to find out where the *right* lay, and have never spent much time nor

burned much oil looking for legal technicalities to defeat the right.

“Judges are guided and governed by the eternal laws of justice to which we are all subject. We may bite our chains, if we will; but we shall be made to know ourselves and be taught that man is born to be governed by law; and he that will substitute *will* in the place of it is an enemy to God.”

In his great speech on “Law Reform,” Lord Brougham said:

“It was the boast of Augustus — it formed part of the glare in which the perfidies of his earlier years were lost — that he found Rome of brick and left it of marble. But how much nobler will be the sovereign’s boast when he shall have it to say, that he found the law dear and left it cheap; found it a sealed book, left it a living letter; found it the patrimony of the rich, left it the inheritance of the poor; found it the two-edged sword of craft and oppression, left it the staff of honesty and the shield of innocence.”

Those are words — burning, eloquent words, that should be the “pillar of cloud by day and the pillar of fire by night” to guide the footsteps of every lover of law and the rights of man.

I want to thank you all, lawyers and laymen, again for coming here this morning. I appreciate more than I can say your cordial congratulations.

MR. JOHN W. MATSON

Your Pike County friends would like very much to say a few words to you, Judge Dyer.

One of the speakers referred to the fact that when

you began the practice of law your principal library was Blackstone and Kent. But you had a greater library, that we in your homeland know of. It was the library that comes from the inspiration of men like yourself, who study and know the people, with a heart that scintillates around the goal.

I have been requested on this occasion to tell you that from the County of Pike (and we concede nothing to be greater than our own County) comes to you today the sentiment that you yourself have always radiated among its people—the people who know you; the people who love you.

No one who has ever appealed to you has failed to receive the response of that humanity that is inherent in great minds and great beings. Show to me a man who is honored and respected always in his homeland, and I will point out to you one of the greatest men who lives.

Such a man we knew Judge Dyer to be in Pike County, his homeland. We recount his many good deeds, extended to everyone who has ever appealed to him at any time of his career. Whatever may be the need, they turn at once to Judge Dyer, knowing well that he will aid and help them if it be within his power to do so. He has been a consoler to many. Not long ago an old negro died in Pike County, whom the Judge used to know. When the Judge came home the wife of this darkey met him, and with grief and weeping told him of her loss. With his usual disposition to make others happy, he said to her, “Don’t grieve; stop crying. That good old husband of yours is in a better land than this.” Maria said, “Judge, I knows him better than you do. I hope that



LOVING CUP PRESENTED BY FRIENDS FROM PIKE COUNTY, MISSOURI

to be true, but all I can say about him is that I hope he am where I fear he ain't."

We did not feel that we could come here today without leaving with you some memento, some token, of our love; something that would be handed down to future generations, that would recall the noble deeds and acts you have done; something that we hope you will cherish, for out of it, in it and around it is the unbounded love and admiration we have for you.

Without taking more time, I will say, in the language of Thomas Moore, this cup is like the vase that has once been filled with roses—"You may break, you may shatter the vase, if you will, but the scent of the roses will hang around it still."

Please accept this cup with the love of the people of Pike County.

Judge Dyer: Mr. Matson, the people of Pike County never loved me half as well as I loved them. It was there my wife was born; it was there I was married, and it was there my children were born. The day will never be too long, nor the night too dark, for me to respond, as best I can, to the demands and wishes of that people.

I thank you; I thank you.

This is the one hundred and ninth anniversary of the birth of one of the wisest, gentlest, sweetest and most lovable characters that ever blessed the world—Abraham Lincoln. In honor of his memory, and the noble deeds wrought by him, the Court will now adjourn until ten o'clock tomorrow morning.

Adjourn the Court, Mr. McCune.

Mr. McCune: The honorable District Court of the United States for the Eastern Division of the Eastern Judicial District of Missouri is now adjourned until ten o'clock tomorrow morning.

GREETINGS FROM THE PIKE COUNTY COLONY IN ST. LOUIS

Messrs. Isaac H. Orr, C. H. McMillan, Virgil Rule, Davis C. Biggs, Thomas L. Anderson, H. L. Block and Dr. B. A. Wilkes called on Judge Dyer in Chambers and presented a beautiful floral tribute in behalf of the Pike County Colony in St. Louis.

Mr. Orr, acting as spokesman, said:

Judge Dyer, we come as a Committee from the Pike County Colony in St. Louis, to offer a word of congratulation and felicitation on this eightieth anniversary of your birth.

You have received today from the bench and the bar the best possible evidence of their esteem. I doubt if a more memorable meeting has ever been held in a Missouri court room. While the heart of every member of the Colony swells with pride at these well deserved honors heaped upon you by your professional and judicial brethren, we feel that we want to come closer and speak to you out of our heart of hearts, to tell you how happy we are in your continued health, and to express our personal appreciation of the love and friendship which exists between you and every member of this Colony.

Ours is not a professional relation. It is not the lawyer or Judge we felicitate today; it is the friend and benefactor of our fathers, as well as our friend

and helper. Your contemporaries in our home county, our forebears, have gone to their reward. You alone remain. We, who have now reached middle life, first learned to respect you at our mother's knee. The story of your early achievements was familiar to us in childhood — how you came to Bowling Green as a country boy to study law, and became a lawyer; how you had married the daughter of the Judge; had gone to the legislature; became Circuit Attorney; had raised a regiment and led it forth to battle for human liberty, and, after returning from the war, had been elected to Congress. These were public achievements.

We also learned how in a thousand ways you had served and befriended the individual members of the community. Those were the days when you had time to be a member of the Board of Education, and to help plan and build the first real public school building in your home town. It was you who helped plan for a brick court house, a gravel road system, and other things, which added to the comfort and welfare of the people, and all of this without enriching yourself. Every man, woman and child was your friend, because you were their friend. These were matters of common knowledge, impressed upon us as children. As we grew to manhood and followed you to St. Louis, the interest of the father was transferred to the son. Your kindly interest in the welfare of each one of us has been made manifest whenever and wherever needed. Many of our number have attained positions of influence in this great city, largely through your wise counsel and personal assistance.

As the organizer and President of the Pike County

Colony in St. Louis, you have kept in touch with the younger generations from our home county, and fostered a spirit of friendship and co-operation, which has kept alive and strengthened a fraternal feeling for each other among the sons of our historic county.

These flowers can only visualize in a small degree the happiness we feel as our lips would express the prayer of our hearts, which is that

“The Lord will bless thee and keep thee;
That He will make His face shine upon thee,
and be gracious unto thee;
That the Lord will lift up His countenance
upon thee, and give thee peace,”

and that the eventide of your earthly career will be lengthened so that you may yet enjoy many helpful, happy days.

LETTERS OF CONGRATULATION

Many letters and telegrams have come to the Committee and to Judge Dyer from all parts of the country, containing felicitations, all of which were gratefully received and highly appreciated. From these a few have been selected as typical of the rest:

United States Circuit Court of Appeals
Eighth Circuit

Kansas City, Missouri,
February 5, 1918.

Honorable James E. Withrow,
Third National Bank Building,
St. Louis, Missouri.

My dear Judge Withrow:

Your kind invitation of fourth instant to be present

on the 12th to unite with you and other gentlemen in tendering Judge Dyer congratulations upon his eightieth birthday, just received.

If it is possible for me to be there at that time I shall not deny myself the pleasure.

If I cannot be present, I hope you will tender my heartiest congratulations and sincerest good wishes to Judge Dyer, for whom I have a very great admiration and fondness.

Very respectfully yours,
KIMBROUGH STONE.

United States Circuit Court of Appeals
Eighth Circuit

Council Bluffs,
February 8, 1918.

Hon. David P. Dyer,
United States District Court,
Eastern District of Missouri,
St. Louis, Missouri.

My dear Judge:

I am again reminded that on next Tuesday, the 12th, you will celebrate your eightieth birthday. This reminds me that General Issac N. Sherwood, of Ohio, was born in Dutchess County, New York, August 13, 1835, and is still living and a representative in Congress from Toledo at this time.

On May 6, 1916, the day before the eightieth birthday of Hon. Joseph G. Cannon, General Sherwood, in speaking of the eightieth birthday of Ex-Speaker Cannon, said:

“It is a mistake to suppose that a man who has reached the age of eighty years has reached the

acme of his intellectual development. Pope Leo XIII and John Adams were in the full possession of their intellectual powers at ninety. John Wesley was at the height of his eloquence and at his best at eighty-eight. Michael Angelo painted his greatest single picture that was ever painted since the world began at eighty. He made the sky and sunshine glorious with his brush at eighty-three. General Von Moltke was still wearing the uniform at eighty-eight, and he commanded the victorious German army that entered the gates of Paris at seventy. George Bancroft was writing deathless history after eighty. Thomas Jefferson, Herbert Spencer, Talleyrand, and Voltaire were giving out great ideas at eighty. Tennyson wrote his greatest poem, 'Crossing the Bar,' at eighty-three. Gladstone made his greatest campaign at eighty, and was the master of Great Britain at eighty-three. Humboldt, the naturalist, scientist — the greatest that Germany ever produced — issued his immortal *Kosmos* at ninety.

"I saw Joe Jefferson play *Rip Van Winkle* at his best at seventy-five. Goethe wrote *Faust*, the greatest literary achievement in all literature — the masterpiece of literature — the last section — at eighty. The Irish actor Macklin was still on the stage at ninety-nine. Robert Browning was as subtle and mysterious as ever at seventy-seven, and Victor Hugo was his best from seventy-five to eighty."

I, too, saw Joe Jefferson in both "*Rip Van Winkle*" and "*The Rivals*" at the time referred to

by General Sherwood. Admiral Dewey, the hero of Manila, has just departed, aged eighty.

I hope, my dear Judge, that you will live as long as the oldest of the men referred to, not in decrepitude, but in possession of all your great faculties, and that God may ever have you in his safe and holy keeping.

Cordially yours,

WALTER I. SMITH.

Law Offices of Oliver & Oliver

Cape Girardeau, Missouri,

February 9, 1918.

Hon. David P. Dyer,

St. Louis, Missouri.

Dear Judge:

On the 6th inst., we wrote Judge Withrow as Chairman of the Committee having in charge the matter of tendering congratulations to you on February 12th, of the writer's engagement in Kennett, Dunklin County, Missouri, on that day, and of his intention to do his utmost to be relieved from that engagement that he might be present in person and assist to that extent in doing honor to you as a citizen and Judge.

The writer has not been able to secure a release of his engagement, and while it is now the purpose of some member of our firm to be present, the writer is unwilling to allow so important and delightful an event to pass by without saying a personal word in his own behalf.

I think I have told you before that my first knowledge of you was obtained through the St. Louis press, while I was a student in the Law School at the University of Missouri at the time you were appointed

by President Grant to assist as special counsel in the prosecution of the "Whiskey Ring." The St. Louis press gave what purported to be a stenographic report of the proceedings of those trials. I carefully read, then clipped and preserved those reports, and regarded them as an asset to my meager and limited library.

I committed to memory excerpts of your address to the jury, and for a long while was able to quote them with reasonable accuracy. Your courageous and fearless conduct in those prosecutions attracted you to me, and I can with candor say to you *now* that, after the lapse of many years, my regard for you personally and for your public duties has grown with the years.

I wish you a continuation of your excellent health, and that the bar of Missouri may have many occasions to join with you in future celebrations of your birthday.

Very respectfully,
R. B. OLIVER.

Louisiana, Missouri,
February 10, 1918.

Judge D. P. Dyer,
St. Louis, Missouri.

Dear Colonel:

As one of your friends and admirers of more than forty-eight years' acquaintance, and as a member of the race who came to their freedom and all the civil and political rights we now enjoy, for which you so nobly, fearlessly and generously did your part, I want to tender the congratulations of myself and the

colored people of old Pike County, upon the attainment of your eightieth birthday anniversary.

Your great heart and soul, like the great heart and soul of the immortal and Christlike Abraham Lincoln, read and interpreted the Declaration of Independence to mean literally just what it said—"That all men were created free and equal and endowed with certain inalienable rights, among which are life, liberty and the pursuit of happiness."

You have never abandoned for political expediency, policy or self-interest, those immortal truths and principles affecting human rights as taught and expounded by Mr. Lincoln and especially as those principles are embodied in the Thirteenth, Fourteenth and Fifteenth Amendments to the Federal Constitution. You have always, boldly and fearlessly championed our legal rights, for which we ask God's blessing upon you. When the end comes we believe your great spirit will be associated in Paradise with the spirits of Lincoln, Phillips, Fred Douglass, Harriet Beecher Stowe, Sumner, Thad. Stevens, and dear, noble Dr. Reynolds, who, like yourself, was always true to my race.

You are loved by many, because you are worthy and deserve to be loved.

With best wishes, I am,

Truly yours,

C. P. COVINGTON.

United States District Court,
Western District of Missouri.

Kansas City, February 11, 1918.

James E. Withrow, Esq.,

St. Louis, Missouri.

My dear Mr. Withrow:

I have your letter on behalf of a committee of your bar requesting me, as one of the Federal Judges of this Circuit, to be present at Judge Dyer's Court at ten o'clock a. m., February 12, and unite with others in tendering him congratulations upon his eightieth birthday.

I find that I shall be detained in the city because of an unfinished matter in which attorneys are present from out of the city; one from Washington and another on leave from Camp Funston. It will, therefore, be impossible for me to be present, but I wish to join with other friends of the bench and bar in felicitating him upon this auspicious occasion, and in testifying to the sincere affection in which he is held by all who know him.

Very sincerely,

ARBA S. VAN VALKENBURGH,
District Judge.

(Telegram)

New York, N. Y.,
Feb. 13, 1918.

Judge David P. Dyer,

Federal Building,

St. Louis, Mo.

In Daily Record of Monday, reaching me today, I see the notice to St. Louis lawyers to assemble in the

court room yesterday to tender congratulations on your eightieth birthday. I regret my inability to be present and now take pleasure in offering heartiest congratulations and hopes for your continued good health and strength.

P. W. HABERMAN.

Law Offices of
Leonard & Sibley

St. Louis, February 13, 1918.

My dear Judge Dyer:

I was greatly chagrined that important matters prevented me from getting up to the Court yesterday morning. I had arranged to go up with Dahlgren, but at the last moment it proved impossible for me to go.

I want to extend my sincere good wishes on this occasion, and to wish you many returns of the day. It is a wonderful tribute to the respect and affection in which you are held by members of the bar that such a large and enthusiastic attendance should have been present yesterday. I sincerely hope that you will continue to adorn the Federal bench for many years to come.

With best wishes,

Sincerely yours,

L. L. LEONARD

Judge D. P. Dyer,
U. S. District Court,
St. Louis, Mo.

Hostetter & Haley
Attorneys at Law
Bowling Green, Missouri

Feb. 14, 1918

Judge David P. Dyer,
St. Louis, Missouri.

Dear Judge:

I regret that absence from home when the notification of the congratulatory exercises to be held on the eightieth anniversary of your birthday arrived, prevented me from attending.

I want to assure you that Pike County is truly loyal to her "grand old man," and no one of her sons has a warmer place in the hearts and consciences of her people than have you.

May your career, which has always been marked by kind, generous acts, by intense loyalty to our County, our State and our Nation, stretch out until you are a hundred.

With highest personal regards, I am,

Yours truly,

J. D. HOSTETTER

Muench, Walther & Muench
Attorneys and Counselors at Law

St. Louis, February 13th, 1918.

Hon. David P. Dyer,
Judge U. S. District Court,
St. Louis.

My dear Judge Dyer:

Unluckily I had to miss the official celebration on yesterday upon the attainment of your eightieth year;

hence I beg to offer these belated congratulations — none the less sincerely.

The event has called to mind many old and dear memories of my own earlier years. Your service as a member of the Missouri Legislature, in 1864-5, when my revered father sat in the Senate and it was my privilege to serve as a page there; the "Camp Krekel" celebration at Cotleville, where you delivered the chief address; your leadership of the Missouri regiment, of which my brother (still living) was a member; and, still later, the prosecution of the noted "Whiskey Ring" cases, and your nomination as our candidate for Governor by a convention of which I had the honor to be a member.

These and other events in your long and honorable career call for an enduring recollection in my mind, and inspire the wish that many more years of splendid health and coveted usefulness may be your lot.

Faithfully yours,
HUGO MUENCH

Hawk Point, Missouri,
February 13, 1918

Judge David P. Dyer,
St. Louis, Missouri.

Dear Judge:

I want to extend to you my congratulations and best wishes in honor of your eightieth birthday.

I read with pleasure the many good things said of you by your friends present yesterday.

May you have many returns of this happy day, is the wish of,

Your friend,
C. A. HARPER

St. Louis Chamber of Commerce

February 16, 1918

Hon. D. P. Dyer,

St. Louis, Missouri.

Dear Judge Dyer:

I was present on the morning of the 12th, the date of your eightieth birthday, but did not have an opportunity to greet you in person. I am now writing to extend you my heartiest felicitations on the great good you have accomplished, and to express the hope that the years before you may be many.

With affectionate regards, I am,

JOSEPH W. FOLK

Oscar A. Knehans
Referee in Bankruptcy
U. S. Court

Cape Girardeau, Mo.

February 11, 1918

Hon. David P. Dyer,

United States District Judge,

St. Louis, Missouri.

Dear Judge Dyer:

Please accept my hearty congratulations on your eightieth anniversary. You have been so kind and considerate of the weakness of human beings, and have demonstrated that a Federal Judge can be merciful as well as just. You no doubt will receive messages from many friends. However, this little note is not written as a mere form, but is prompted by my genuine appreciation of your fair dealing and kindness to so many who were in trouble and who needed a friend, and by the many kind words of en-

couragement and deeds of kindness you have shown me.

I trust that your remaining years will be pleasant and happy, and that you will be with us for many years to come. That you will never be in need of the comforts of life, is the true wish of

Your friend,

O. A. KNEHANS

The Republican
Naeter Bros.

Cape Girardeau, Mo.

February 11, 1918

Hon. David P. Dyer,
Federal Judge,
St. Louis, Mo.

Dear Sir:

The Daily Republican today takes pride in publishing a biography of yourself, calling attention to the splendid life you have lived and to some of the many helpful things you have done for your people and your country.

In connection with this publicity I want to personally send you a word of greeting, and to wish you many more years of usefulness and happiness.

It has been one of my greatest privileges to know you personally and to have your respect.

Very respectfully,

FRED NAETER

Law Offices
Russell L. Dearmont

Cape Girardeau, Mo.,
February 11, 1918.

Hon. David P. Dyer,
St. Louis, Missouri.

Dear Judge:

Through the press I note that the Bar of St. Louis and of the State will tender congratulations to you and join with you in the celebration of your birthday, February 12th.

I regret exceedingly that an illness of some two months, from which I have just recovered, prevents me from being present on this occasion.

I want, however, to extend to you my hearty congratulations and wish you many more returns of the day.

Yours very sincerely,
RUSSELL L. DEARMONT

Law Office
Guthrie & Franklin

Macon, Missouri,
February 13, 1918

Hon. David P. Dyer,
St. Louis.

My dear Judge:

And so the four score years have overtaken you? Allow me to congratulate you that they found you in such good condition, and that they leave you in the same happy condition.

May those conditions continue and may the birth-

days come round with mirth and song and joy and hope!

Remember, Judge, there are more of us following close upon your heels and we are keeping an eye on you and we expect you to lead us, as you always have, with gallantry and truth and righteousness.

Your friend,

BEN ELI GUTHRIE

Frank Kelly

Judge 28th Judicial Circuit

Cape Girardeau, Mo.

February 11th, 1918

Hon. D. P. Dyer,

St. Louis, Missouri.

Dear Judge:

I desire to extend to you my hearty congratulations upon your reaching the ripe age of four score years, and are now enjoying a strong and vigorous manhood at that age.

I also know that you can look back over that number of years and feel that they have been years well spent in behalf of your State, your country and your fellow-men. Surely that is largely the sum and substance of a useful life.

Allow me to express the hope that you will "hang around here" for some time yet, as I heard you express it one day in Court, and that your future life will be just as full of activities and usefulness as your past has been.

I frequently meet men down here who remember you as District Attorney, and all those who speak of

you say nothing but kind words of "Pat Dyer," as they generally refer to you.

Wishing you many of the joys and pleasures of life in the future, I am,

Sincerely yours,
FRANK KELLY

The Speaker's Rooms
House of Representatives
Washington, D. C.

February 25, 1918

Honorable David P. Dyer,
Federal Building,
St. Louis, Missouri.

My dear Judge:

I see you have been celebrating your eightieth birthday, or rather, your friends have been celebrating it for you.

I congratulate you on having reached the age of four score in such fine fettle. I hope you will live many years more to render service to your country and your kind. Dr. Osler was an ass.

Your friend,
CHAMP CLARK

Lamm, Bohling & Lamm
Attorneys & Counsellors

Sedalia, Missouri,
Feby. 23, 1918

My dear Judge:

I stumbled on the fact the other day that you were eighty, and that the event was celebrated duly.

Would have liked to have been one of the "boys" to celebrate had I known of it.

Though you have not the strength that "once moved earth and heaven" yet much abides with you. May you live to be a hundred!

Your friend,
HENRY LAMM

Headquarters of Colored Waiters' Alliance
124 South Channing Avenue
St. Louis, Missouri

Be it Resolved, That we, the Colored Waiters' Alliance, in session assembled, do hereby unanimously extend our congratulations to the Honorable Judge D. P. Dyer, on this his eightieth anniversary.

We commend his work on the Federal bench; a work that has always been conscientious, fair and just to all who have been the recipients of his consideration.

Be it also resolved, That we, as members of the Colored Waiters' Alliance, do also hereby submit these resolutions as a thank-offering of our race for the manly and American-like way in which the Honorable Judge Dyer rendered his memorable decision in the famous Segregation Case.

Done by the unanimous vote of the Colored Waiters' Alliance, and recorded in our minutes by order of its president.

BEN F. BARROW, President
RUFUS O. BRAWLEY,

(Seal)

Secretary and Treasurer.

Othello Lodge, No. 1
Benevolent Order of Peerless Knights

Whereas, The daily press of St. Louis has announced the eightieth anniversary of one of St. Louis's most noted and honored citizens, whose life in the city, State and Nation stands and has stood for human justice, impartiality and civic rights; and,

Whereas, His life's work has reflected such nobility of character, independence of spirit, and love of justice that it serves as an inspiration to our youth, has given hope and comfort to our older people, and cheered the hearts of millions of a down-trodden race; therefore, be it

Resolved, That the Benevolent Order of Peerless Knights, in session assembled, do hereby unanimously vote that this method be employed to extend our unreserved congratulations to the Honorable Judge David P. Dyer, on this, his eightieth anniversary.

And be it further resolved, That, as it has been pleasing to Almighty God to spare this noble man to such a ripe old age, it is the prayer of the negro people, and especially its older ones, that his days may be long on earth and amongst men.

Be it further resolved, That these resolutions be spread upon the record of the Benevolent Order of Peerless Knights, and a copy thereof sent to the Honorable Judge David P. Dyer, and his family.

COMMITTEE ON RESOLUTIONS

B. F. BARROW, Chairman

GEO. L. LAPSLEY

W. H. KING, Exalted Prelate

GEO. W. O'NEIL, Financial Sec'y.

After several severe attacks of acute indigestion, I became aware of the serious condition of my health. Remembering my promise to President Roosevelt at the time of my appointment, that I would retire from the bench the moment my health became such that I could not do the work of my position efficiently and well, and desirous of keeping faithfully that promise, I determined to voluntarily retire. On the 10th of May, 1918, I wrote the President of the United States, Woodrow Wilson, of my purpose to quit the active duties of the office of judge, in accordance with a recent act of Congress.

That is a wise act, in my judgment. Instead of resigning after ten years of service, and after attaining the age of seventy years, the judge is permitted to retire instead of resign. It is a humane act—it authorizes him, if he desires, to work if the Chief Justice of the Supreme Court or the presiding judge of any circuit shall request or designate him to do so. Since my retirement I have been almost constantly engaged in holding court. I recovered my health and have held court not only in the two districts of Missouri, but in the districts of Arizona and Oklahoma. For this work I get no extra compensation, but it gives me work instead of idleness, and avoids to some extent the “rusting out” process. Instead of sitting still and watching for the coming of the messenger that calls from “labor to refreshment,” it permits one to give attention to useful things and eventually to bravely die in the harness.

After my letter went to the President, I received many notes of approval and congratulation from those whose opinions I highly prize. Among them

was one from Justice J. C. McReynolds of the Supreme Court of the United States. He, among other things, said, "What a wise man you are to lay down the burdensome duties of your office, and spend the remaining years in peace. I felicitate you and wish you all the good things a splendid man and friend can have. I do hope you have some near and congenial friends who will help to make the days happy."

A letter from Judge Charles H. Robb of the United States Court of Appeals for the District of Columbia, was received. In this he said: "Well done, thou good and faithful servant. You deserve and will receive the approbation of every human being whose opinion is worth considering, for your splendid services to your fellowmen. It has not been my lot to meet a more rugged, sincere and gentle character.

"That your remaining days may be filled with sunshine, contentment, and happiness, is the sincere wish of your friend."

I first became acquainted with Justice McReynolds and Judge Robb while they were assistant Attorneys General at Washington and while I was United States District Attorney at St. Louis.

Among many other letters of which I am very proud, are those from F. L. Schofield, of Hannibal, Missouri; Gardner Lathrop, and Judge O. M. Spencer, of Chicago; and Judge Norman A. Mozely, of the Missouri Supreme Court Commission.

Editorials that appeared, shortly after my retirement, in the *Globe-Democrat*, *Saint Louis Republic*, *Saint Louis Times*, *Columbia Tribune*, *Howard County Banner*, and other newspapers, were very

complimentary, and they have been nicely preserved in a scrap-book by members of my family.

I am greatly pleased to say that I am proud of the good opinions of those with whom I have come in contact, and if by publishing in these reminiscences (imperfect as I know them to be) anything that may be of value to others, I am fully compensated.

“To help the growth of a thought that struggles
toward the light,
To brush with gentle hand the earth stain
from the white of one snowdrop — such
is my ambition.”

I hope that it can be truthfully said of me: “He was a friend of man and lived in a house by the side of the road.”

“Let me live in a house by the side of the road,
Where the race of men go by —
The men who are good and the men who are bad,
As good and as bad as I.
Let me live in a house by the side of the road,
And be a friend to man.”

JUDGE AND MRS. HUNT

Judge Ezra Hunt (my wife's father) was born in Milford, Massachusetts, April 7, 1790. He died very suddenly at Troy, Missouri, in September, 1860.

Mrs. Maria Pettibone Hunt (my wife's mother) was born in Oneida County, New York, September 22nd, 1813, and died in St. Louis December 1st, 1900. The following notice of her death is taken from the St. Louis Republican of December 2nd, 1900. This account is, I believe, fairly correct:

MRS. MARIE E. HUNT DEAD

Had been in Feeble Health for the Past Year

After a severe illness of ten days, Mrs. Marie E. Hunt, widow of the late Judge Ezra Hunt, at one time one of the most prominent lawyers of the State, died yesterday morning at 2 o'clock, at the residence of her son-in-law, Colonel D. P. Dyer, 3807 Delmar Boulevard. Catarrh of the stomach was the direct cause of her death, although the deceased had been in feeble health for the past year. Mrs. Hunt was in her 88th year, but in spite of her great age was in full possession of all her faculties to the end.

Mrs. Hunt was born September 22, 1813, at Vernon, Oneida County, New York. Her father was Judge Rufus Pettibone, and her mother Louise Cecelia de Bussy. The Pettibone family came to Missouri when Mrs. Hunt was but four years of age, and settled

in St. Louis. Judge Pettibone formed a partnership with Colonel Rufus Easton, and the two enjoyed a lucrative law practice. Judge Pettibone was apposed to slavery, and during the campaigns when the question of whether Missouri should become a State was a paramount issue, one of the tickets with anti-slavery as its chief plank, contained the names of John B. C. Lucas, Rufus Easton, Rufus Pettibone, Robert Simpson and Caleb Bowles. Judge Pettibone was also well known in Missouri politics. He held the office of Judge of the Second Judicial Circuit of Missouri, for many years, removing soon after his appointment to St. Charles. He served in this capacity until 1821, when he was appointed Judge of the Supreme Court. This office he held until his death July 31, 1825.

On her mother's side, Mrs. Hunt was equally well connected. Mrs. Pettibone, before her marriage to the Judge, was a Miss de Bussy, daughter of Claudius Le Droit de Bussy, who emigrated from France to the Island of San Domingo prior to 1791, and during the year of the insurrection took refuge on a steamer, which subsequently landed in New York, in which State the family settled.

After the death of her father, Mrs. Hunt was taken in charge by her uncle, Levi Pettibone, of Pike County, Missouri, and sent to Connecticut to be educated. While there she became acquainted with Judge Ezra Hunt, and the two were married on May 18, 1830, at Norfolk, Connecticut, by the Rev. Pitkin Cowles.

Judge Hunt was also well known in public affairs. He was born April 7, 1790, at Mil-

ford, Massachusetts. After receiving his education, he was a teacher in the Leicester Academy, and afterward in an institution at Pulaski, Tennessee. In 1819 or 1820, Judge Hunt came to St. Louis and formed a law partnership with Judge William C. Carr. After a short residence here he moved to Louisiana, the county seat of Pike, and he also lived for a time at St. Charles. After his marriage to Miss Pettibone, Judge and Mrs. Hunt took up their residence in Missouri, for a number of years making their home at Bowling Green, in Pike County. In 1836, Mr. Hunt was appointed Judge for that circuit and he served for many years, finally returning to private practice. He died at Troy, Lincoln County, Missouri, in 1860, at the age of seventy years.

Four children were born to Judge and Mrs. Hunt, and three survive her. The eldest daughter, Louise Hunt, was married to Judge William Waller Edwards, of St. Charles, in 1856. Her death occurred in 1872. The surviving children are Mrs. Lizzie Dyer, wife of Colonel D. P. Dyer; Captain L. P. Hunt, of the United States Army stationed at Chicago, and Miss Claudine H. Hunt of St. Louis. Since 1860, the deceased had made her home with the family of Colonel Dyer.

Ten grandchildren were left by Mrs. Hunt, as follows: Claude Edwards, a young business man of this city, and Miss Margaret Edwards of St. Charles; Ezra Hunt Dyer of St. Louis; Mrs. Daisy Dyer Hunting of Grand Rapids, Michigan; David P. Dyer, Jr., a teller in the United States Sub-Treasury; Elizabeth Dyer, Horace L. Dyer, the assistant City Attorney; Louise M. Dyer and

Claude and Eleanor Hunt, children of Captain Hunt of Chicago. In addition, there are four great-grandchildren — Orion Elizabeth Dyer, daughter of Ezra H. Dyer, and Julia Gregg Dyer; David and Robert Hunting, sons of Mr. and Mrs. Edgar W. Hunting, and Louise Ensign Dyer, daughter of D. P. Dyer, Jr., and Maud Ensign Dyer.

Funeral services over the deceased will be held this afternoon at 4 o'clock from the Dyer family residence, 3807 Delmar Boulevard, Rev. Dr. John W. Day, of the Church of the Messiah, will officiate. The interment will take place Monday morning at 10:30 o'clock in St. Charles, Missouri. The pallbearers at the funeral will be the four grandsons of the deceased, N. C. Hardin, a nephew of Pike County, Missouri, and Charles Broadhead, son of the late Colonel James O. Broadhead of this city.

For forty years she was a member of my family, and during all of those years not a death occurred therein. She was present when each of my six children were born, and it falls to the lot of few to have a more intelligent, loving and gracious mother. Her going was the first break in the family circle. She was followed on the 19th of December, 1913, by her son, Colonel Levi P. Hunt, and then by my wife, on the first day of January, 1916.

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